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SF MINUTES OF THE MEETING OF THE  
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

AUG 1 1979

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MINUTES OF MONDAY, JULY 23, 1979

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The meeting was called to order at 11:00 a.m. by Dorothy Lathan, acting chairperson of the Board. She introduced members and alternatives to the public. All were present.

Roy Eisenhardt was elected President and Dorothy Lathan Vice-President of the Board.

It was moved and passed unanimously to ask the Mayor to loan Gil Brigham as interim executive director to the Board.

In a separte motion the Board authorized the chairman to appoint a member or alternate to devise a process for selecting an executive director. Stewart Baird was asked to review the application currently on file, write a job description that could be used to advertise in the papers and to explore outreach to community groups.

Katherine Pennypacker of the City Attorney's Office advised the Board of the legal process that must be followed to adopt rules and regulations. It was decided to use the draft regulations prepared by the Mayor's Housing Policy Group as a working document for review by the Board and the public. The meeting to discuss rules and regulations will be Monday, August 6, 1979, at 6:00 p.m. in Room 228.

Action on adoption of the budget and selection of a place of business was postponed until a later meeting.

The Board recessed its hearing until 10:00 a.m., Wednesday, July 25, 1979 in Room 228 when discussion would continue about selection of an executive director and other items on the agenda of the special meeting.

The meeting was recessed at 12:30 p.m.

Mary E. Burns,  
Acting Secretary

MINUTES OF THE MEETING OF THE  
COMMISSIONERS OF THE BOARD OF HEALTH  
Held at New York, N.Y., on  
January 12, 1911  
\*\*\*\*\*

The meeting was called to order at 11:00 a.m. by President Fisher, Mayor of the Board, who presided over the meeting and acted as Secretary. All were present.

Mr. Blackman was elected Treasurer and Dr. J. H. Thompson was elected Secretary.

It was voted and passed unanimously to adjourn the meeting to the 19th inst. at 10:00 a.m.

In a separate section the Board authorized the Chairman to prepare a report on the progress of the work of the Board during the past year, and to submit the same to the Board at its next meeting. The Chairman was also authorized to prepare a report on the progress of the work of the Board during the past year, and to submit the same to the Board at its next meeting.

Resolved, That the Board of Health be authorized to employ a Secretary, and to employ such other personnel as may be necessary for the efficient conduct of its business. The Board also authorized the Chairman to prepare a report on the progress of the work of the Board during the past year, and to submit the same to the Board at its next meeting.

Resolved, That the Board of Health be authorized to employ a Secretary, and to employ such other personnel as may be necessary for the efficient conduct of its business. The Board also authorized the Chairman to prepare a report on the progress of the work of the Board during the past year, and to submit the same to the Board at its next meeting.

The Board authorized the Chairman to prepare a report on the progress of the work of the Board during the past year, and to submit the same to the Board at its next meeting. The Board also authorized the Chairman to prepare a report on the progress of the work of the Board during the past year, and to submit the same to the Board at its next meeting.

The meeting was adjourned at 11:30 a.m.

Attest:  
J. H. Thompson, Secretary

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MINUTES OF THE MEETING OF THE

RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

MINUTES OF WEDNESDAY, JULY 25, 1979

(continued from July 23, 1979)

AUG 1 1979  
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1. Call to Order: Vice-Chairperson Lathan called the meeting to order at 10:15 a.m.
2. Roll Call: Present; Commissioners Flynn, Hermancez, Kronenberg, Lathan, and Saunders

Interim Director; Gil Brigham

Excused; Commissioners Chu and Eisenhardt

3. Continuation of Meeting which recessed July 23, 1979:

Board unanimously adopted Resolution 79-1 which authorized the use of members of the San Francisco Bar Association as hearing officers on a Pro Bono interim basis.

For the purpose of establishing a place to conduct the normal business, the Board unanimously approved the leasing of Rooms 37 and 37B located at 170 Fell Street (94102).

Director Brigham was requested to develop a procedure to properly control the expenditure of funds appropriated to the Board. A motion was then made to adopt the 6-month budget of \$85,236. It was unanimously approved.

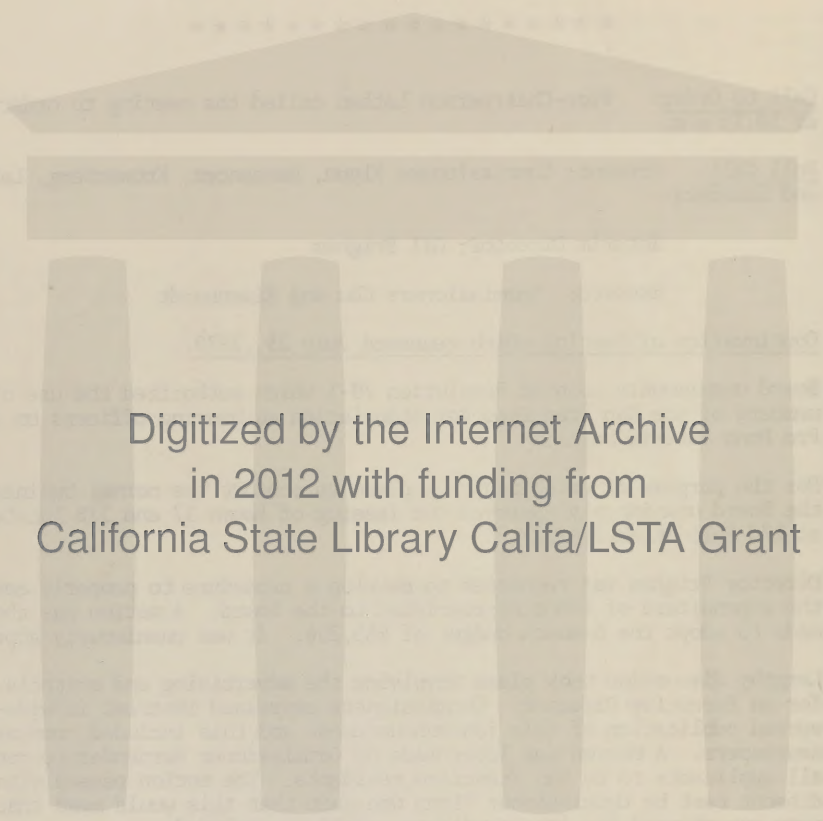
Lengthy discussion took place involving the advertising and criteria for an Executive Director. Commissioners expressed interest in wide-spread publication of this job announcement and this included community newspapers. A motion was later made by Commissioner Hernandez to require all applicants to be San Francisco residents. The motion passed with a dissent cast by Commissioner Flynn who said that this would mean that many experienced Bay Area candidates would be excluded.

The next special meeting was scheduled to be held in City Hall, Room 228, on Tuesday, July 31, 1979 at 4:00 p.m.

The meeting was adjourned at 12:10 p.m.

Gil Brigham  
Interim Director





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MINUTES OF THE MEETING

AUG 22 1979

= RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

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TUESDAY, JULY 31, 1979

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1. Call to Order: Vice-President Lathan called the meeting to order at 4:15 p.m.
2. Roll Call: Present; Commissioners Baird, Flynn, Hernandez, Lathan, and Saunders  
  
Interim Director; Gil Brigham  
  
Excused; Commissioners Chu, Kronenberg, and Eisenhardt
3. Approval of Minutes: The minutes of July 23, 1979 and July 25, 1979 were approved pending clarification of title "Chairperson or President" and changing "adjournment" to "recess"
4. Calendar: Deputy City Attorney Pennypacker made a presentation to explain sections of the rent law. She emphasized the following:
  - a) It doesn't cover existing leases, new construction, owner-occupied units of four or less, and vacant units
  - b) Tenant has right to complain when increases exceed guidelines
  - c) Guideline figures designed to cover inflation
  - d) Tenant must file petition before the effective day of increase
  - e) Both parties can be represented at the hearing
  - f) Losing party can request appeal of the Hearing Officer findings to the Rent Arbitration Board
  - g) If appeal is denied or Hearing Officer finding is upheld, the loser has exhausted all administrative remedies and can then request a Writ of Mandate at the ~~Municipal~~ <sup>Superior</sup> Court **45**
  - h) Certification process through the Real Estate Department was designed to encourage the landlords to fix the property by authorizing increases above the guidelines for approved capital improvements and substantial rehabilitation
  - i) Evictions of all tenants covered by the Ordinance must have a just cause
  - j) Criminal penalties can be pursued by District Attorney for disregarding the decisions of Hearing Officer/Rent Arbitration Board
  - k) Citizen Housing Task Force has responsibility with the Mayor's Housing Policy Group to determine long-range solutions for our housing problems

Pennypacker later explained that Ordinance #276-79 did intrude somewhat into the wide property rights which were previously enjoyed by landlords so this modified control does provide tenants with some relief. She also said the protest filing fee does



not go to the City's general fund but to a special account. Additionally, some legal technicalities were discussed.

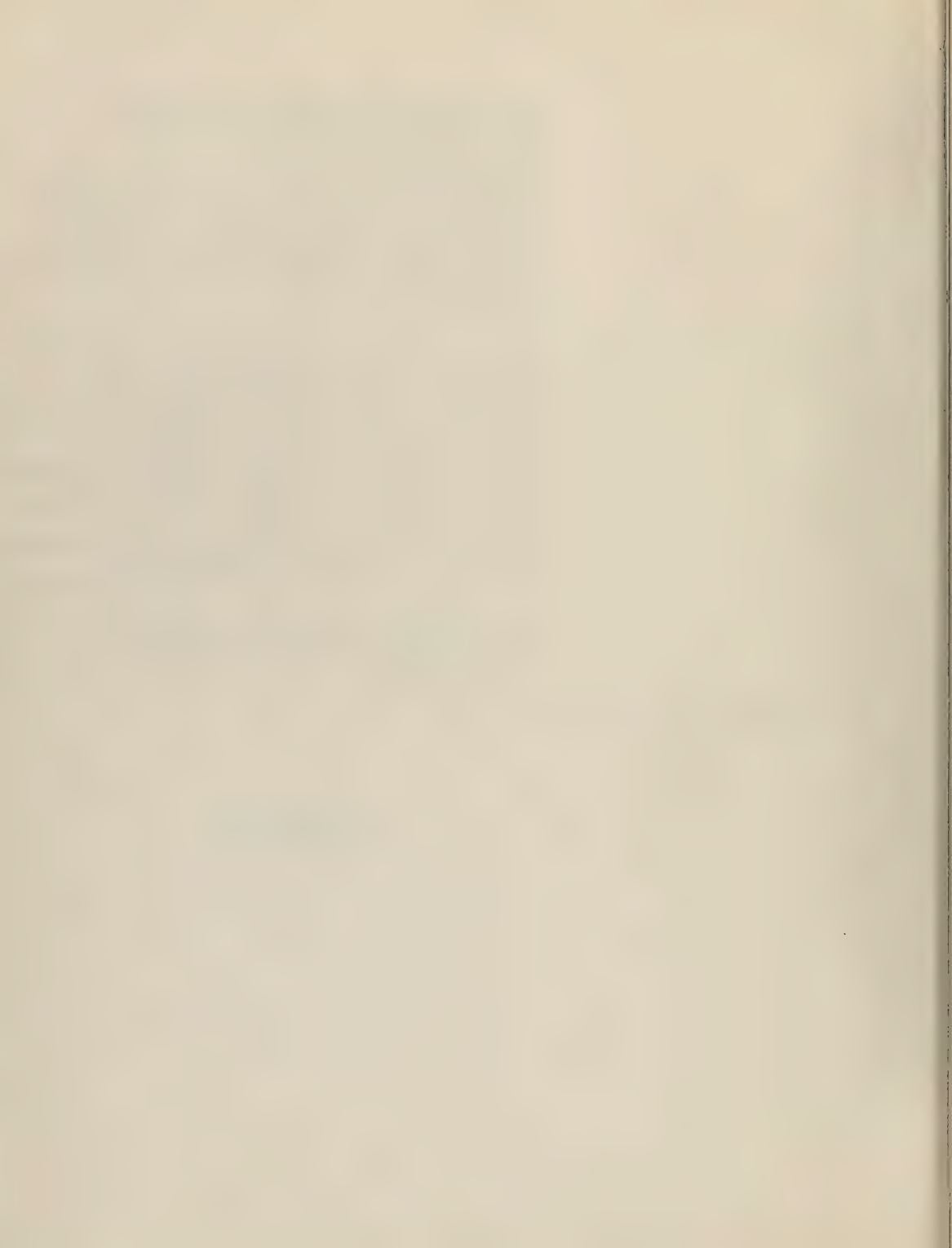
At the suggestion of Pennypacker, the Board agreed to request the Director of the American Arbitration Association to make a presentation at the August 6, 1979 meeting. The Board thanked her for her comprehensive briefing of the law and for clarification of this Board's responsibility when considering changes to the law.

Director Brigham was instructed to write to the City Attorney regarding the preparation and filing of financial conflict of interest reports. He was also told to advertise for the Executive Director position in the Bay Guardian, Sun Reporter, and other local newspapers but only a total of \$500 was authorized for this purpose. (\$203 was chargeable to our budget for advertisements appearing in the Chronicle and Examiner on August 2,3,4, and 5, 1979. He was also advised to prepared press releases for distribution to local media and it should include a notice for our August 6, 1979 meeting and an announcement of our quest for an Executive Director.

Baird made a motion, which passed unanimously, to recess this meeting until August 2, 1979 at 4:00 p.m. in Room 228, in order to discuss forms used by the Board.

- 8) The meeting was recessed at 7:00 p.m.

Gil Brigham  
Interim Director





MINUTES OF THE MEETING

RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

THURSDAY, AUGUST 2, 1979

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1. Call to Order: President Eisenhardt called the meeting to order at 4:10 p.m.
2. Roll Call:
  - Present: Commissioners Eisenhardt, Flynn, Hernandez, Kronenberg, Neves
  - Excused: Commissioners Chu and Lathan
  - Guests: Commissioners Baird, Bell, and Saunders
3. Approval of Minutes: The minutes of July 31, 1979 were summarized by Hernandez. They were approved pending a correction changing "Municipal Court" to "Superior Court."
4. Director's Report: Director Brigham gave the Board members an updated progress report as follows:
  - a) The Board office has been furnished.
  - b) Telephones had been installed with the number 621-RENT.
  - c) Radio stations KCBS and KMEL will be broadcasting about the Rent Board through the coming weekend.
  - d) Press releases about the Rent Board were distributed to the Chronicle, Examiner, and Progress newspapers plus radio stations KYA, KCBS, KSFO, KFRC, KGO, K101, KNBR, and KRON-TV.
  - e) Advertisements for an Executive Director were placed in the Examiner, and Chronicle and will be placed in the Sun Reporter, El Tecolote, Bay Guardian, and East/West.
  - f) Contacts were made to lease reproduction equipment.
  - g) Other expenses to date included moving, stamps, file folders, and typewriter ribbons.
  - h) Correspondence and appeal files are in the process of being set up.
  - i) Invitation was sent to the Director of the American Arbitration Association requesting his appearance at our next meeting.
  - j) Letter was sent to the City Attorney requesting financial conflict of interest code requirements.
  - k) John Blackburn was selected to fill the Classification 1446 opening and he will officially commence work on August 6, 1979.

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5. Calendar:

Discussion of forms then took place and this revolved around the information on acknowledgment postcards and petitions for arbitration. It was agreed that they should only solicit basic information whereas Hearing Officer forms would be more comprehensive. It was also agreed that attempts should be made to have forms printed in Spanish and Cantonese. The Director was instructed to finalize the forms.

*and other  
languages*

There was some discussion about the procedural aspects of the August 6, 1979 meeting.

6. The meeting was adjourned at 6:00 p.m.

Gil Brigham,  
Interim Director





MINUTES OF THE MEETING

RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Monday, August 6, 1979

\*\*\*\*\*

1. Call to Order: President Roy Eisenhardt called the meeting to order at 6:05 p.m.
2. Roll Call:
  - Present: Commissioners Eisenhardt, Flynn, Hernandez, Lathan, and Kronenberg
  - Excused: Commissioner Chu
  - Guests: Commissioners Baird, Bell, Chu, Neves, Saunders
3. Director's Report: Director Brigham gave the Board members a status report as follows:
  - a) a total of 243 disputes had been recorded with only 3 coming from landlords. (An additional 115 letters were not specific enough to be considered as a petition at this time).
  - b) phone calls reveal:
    - 1) senior citizens seem intimidated about the hearing process so will need advocates.
    - 2) hotel owners are changing the payment schedule from weekly to monthly in order to increase revenue.
    - 3) rents charged for new or additional roommates are a re-curring problem since no guideline figures are available for this situation.
4. Rules and Regulations:

Mr. Charles Cooper of the American Arbitration Association explained the services which his organization performs and these include:

  - 1) they train in conciliation and arbitration.
  - 2) they can administer the RRSAB process and the fee would be between \$200 - \$300 per case.

Jane Tyrell of the San Francisco Bar Association said almost 100 Attorneys have volunteered to act as pro-bono Hearing Officers.

Mr. Arthur Hecht, a retired State P.U.C. employee, said Hearing Officers must have a mature approach in dealing with people, must write clearly, and must be good listeners.

Mr. Hesse, an Attorney, does not think that Attorneys are essential as Hearing Officers and that the Board should seek out or train community arbitrators.

After the President's summary, a representative of People's Law School discussed how forms should be developed in simple and concise language and should be made available at community agencies.

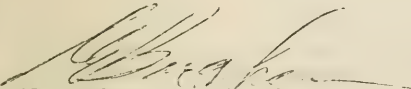
Michael Wong of the Asian Law Caucus wanted to ensure that rehabilitation pass-throughs would not be approved if landlord neglect



was the cause of the deteriorated conditions. He also questioned if interpreters would be of more assistance than bi-lingual Hearing Officers. He further expressed the hope that a procedure be developed to verify the market value of the dwelling units.

Diane Bilovsky of Legal Assistance for the Elderly requested that consideration be given to allow one tenant to file for others in the building. She also reiterated the need for advocates for senior citizens.

5. Extension: It was unanimously agreed to approve Resolution 79-2 which extended the time period when petitions could be filed by letter instead of by a form.
6. Recess: The meeting was recessed at 8:00 p.m. to be continued on Tuesday, August 7, 1979 at 10:00 a.m.



Gil Brigham, Interim Director





MINUTES OF THE MEETING

RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD  
Tuesday, August 7, 1979

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1. Call to Order: President Eisenhardt called the meeting to order at 10:10 a.m. which was a continuance of the August 6, 1979 meeting.
2. Roll Call: Present: Commissioners Eisenhardt, Flynn, Hernandez, Kronenberg, and Lathan  
Excused: Commissioner Chu  
Guests: Commissioners Bell, <sup>Neves</sup> and Chu
3. Approval of Minutes: The minutes of August 2, 1979 were approved pending a correction of a sentence which should read that we will attempt "to have forms printed in Spanish, Cantonese, and other languages."
4. Rules and Regulations: A continuation of the lengthy discussion on proposed rules and regulations of the Board ensued. It dealt with many technical issues such as definitions, clarification of utilities, and status of roommates.  
  
The staff was cautioned to only answer mechanical questions and leave those regarding interpretive issues in the hands of the Board or Hearing Officers.  
  
After completing a review of the proposed regulations and unanimously agreeing on a newly modified version. The President volunteered to prepare the redraft for final adoption.
5. Recess: The meeting was recessed at 5:00 p.m. for continuance on Friday, August 10, 1979 at 10:00 a.m.

  
Gil Brigham, Interim Director

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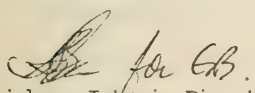
MINUTES OF THE MEETING

RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Friday, August 10, 1979

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1. Call to Order: President Eisenhardt called the meeting to order at 10:10 a.m.
2. Roll Call:  
Present: Commissioners Eisenhardt, Flynn, Hernandez, Kronenberg, and Lathan  
Excused: Commissioner Chu  
Guests: Commissioner Chu, Bell, and Neves
3. Rules and Regulations:  
It was unanimously agreed after discussion that the Board will hold regular meetings on the 1st Thursday of each month in City Hall Room 228 at 5:30 p.m.  
  
The re-drafted rules and regulations were unanimously adopted by the Board.
4. Director's Report:  
Two sessions were scheduled to indoctrinate volunteer Hearing Officers with our Board, process, and rules. These meetings will be held at 5:00 p.m. in City Hall Room 2-B on August 13 and 20, 1979.  
  
The President's status report to the Mayor and the Board of Supervisors was given to the members.  
  
There was a heavy response from Attorneys seeking the position of Executive Director of the Board. The deadline for filing is August 17, 1979. SECRETARY
5. Adjournment: The meeting was adjourned at 11:15 a.m.

  
Gil Brigham, Interim Director

GB/jsb





RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD  
170 FELL STREET, ROOM 37  
SAN FRANCISCO, CALIFORNIA 94102  
621-RENT

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Minutes of the Meeting on Thursday, September 6, 1979

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5:00 to 7:15 P.M.

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- I) Call To Order: President Eisenhardt called the meeting to order at 5:00 p.m.
- II) Roll Call: Commissioners Present: Flynn, Neves, Chu, Eisenhardt, and Kronenberg  
Commissioners Excused: Lathan  
Commissioner as Guest: Baird
- III) Director's Report: A Brief report on Hearing Officer Status was given. Hearing Officers will be working on a pro bono basis, until the backlog is cleared up. The board voted unanimously to not pay Hearing Officers. A brief report on the Status of the Real Estate Department's Certification process was given. Requests for speakers should be submitted to the Executive Director. Work-Study internship positions would be beneficial to the office. Reproduction machine is being ordered through Xerox. The postage will be handled through the Mayor's Office who will be billing us for postage used. Interviews for the position of Executive Director are being scheduled. Brochure design is being worked on by the Executive Director. Hearings are being held on 8/23/79, 8/30/79, and 9/7/79. Discussion of a request for pay for Hearing Officer Services. Open House at 170 Fell Building. Invitations will be sent to all Commissioners. A Personnel Committee meeting will be held on 8/28/79.
- IV) Communications and Publicity: P.S.A.'s, direct mailings, and handouts to be developed for distribution city-wide.
- V) Special Meeting: On Monday, 9/17/79, in Room 2B at City Hall, 5:30 p.m., there will be a special meeting the of R.R.S.A.B. to discuss:
- 1) Community Outreach
  - 2) Amendments to the Rules and Regulations
- VI) Adjournment: The meeting was adjourned at 7:15 p.m.



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RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD  
170 FELL STREET, ROOM 37  
SAN FRANCISCO, CALIFORNIA 94102  
621-RENT

Minutes of the Meeting on Monday, September 17, 1979

In Room 2-B at City Hall, 5:45 p.m. to 7:30 p.m.

I) Call to Order: President Eisenhardt called the meeting to order at 5:45 p.m..

II) Roll Call: Commissioners Present: Flynn  
Chu  
Eisenhardt  
Kronenberg  
Commissioners Excused: Lathan

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III) Director's Report: Interviews for the position of Executive Director are proceeding. Letters need to be sent to non-candidates and interviewees by Wednesday, 9/19/79. A package of all final candidates' resumes will be forwarded to all Commissioners.

The Director have an update on hearings, completed and pending before the Board. Diane Whitney, an intern from Golden Gate Law School, is under contract with us for part-time status. She will have the responsibility for scheduling.

A written summary of hearings up to 9/17/79 requested for the Board's review. Refer to Statistics 9/24/79. Commissioners requested a weekly summary of hearings.

IV) Appeals: 620 Jones Street- appeal accepted de novo  
75 Gough Street- appeal accepted de novo-to be heard  
on 9/25/79 at 8:00 p.m.

Appeal Process- One Commissioner and One Alternate are to review each appeal case that is brought before the Board for consideration. The two Commissioners present their recommendations to the full Board for a vote on whether to accept or deny the appeal in question. Appeal review assignments will be rotated among Commissioners and Alternates.

V) Amendments: President Eisenhardt will review all suggestions for amendments. Ideas/suggestions should be submitted to him within 45 days. Ideas/suggestions should be in the form of a memorandum. President will put into final form and forward to the Board of Supervisors.

VI) C.P.I.: The use of the C.P.I. for calculating increases as per Ordinance/ Rules and Regulations shall be based on the "All-Urban Consumer" quotation supplied from the Department of Labor Statistics.

(1)

(2)

VII) Community Outreach: President Eisenhardt suggests that three items be considered;

- 1) short/simple fact sheet on what Board is and how it works;
- 2) mailings should be available in three languages; and
- 3) Director should make personal contact with various Community Groups.

The Executive Director shall draft a press release, through the Mayor's Office, to explain the Board. A press conference would be helpful.

VIII) Adjournment: The meeting was adjourned at 7:30 p.m.

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RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD  
170 FELL STREET, ROOM 37  
SAN FRANCISCO, CALIFORNIA 94102  
621-RENT

Minutes of the Meeting on Tuesday, October 2, 1979

5:15 to 7:00 P.M.

- I) Call to Order: President Eisenhardt called the meeting to order at 5:15 p.m..
- II) Roll Call: Commissioners Present: Lathan, Flynn, Baird, Chu, and Eisenhardt  
Commissioners Excused: Hernandez
- III) Director's Report: A welcome to the new Executive Director, Donna P. Solomon.
- IV) Appeals: 620 Jones Street- accepted de novo. Two additional persons residing at 620 Jones St. want to appeal. They did not partake in the original hearing. These are tenants Lee and Kasalty. Regarding tenant Lee- a member of the Board will make recommendations on Thursday. Commissioner Chu to review the case.
- A motion was introduced to include Kasalty with the others. The Board voted 5-0 to accept.
- All tenants at 620 Jones Street shall get their appeal fees back as the landlord appealed the findings.
- 75 Gough Street- Commissioners Flynn and Hernandez are to review the case on appeal. This appeal revolves around increased debt service. Commissioner Flynn to draft an Advisory Opinion on Debt Service.
- V) Adjournment: The meeting was adjourned at 7:00 P.M.

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RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD  
170 FELL STREET, ROOM 37  
SAN FRANCISCO, CALIFORNIA 94102  
621-RENT

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MAR 24 1980

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Minutes on the Meeting on Thursday, October 4, 1979

5:00 to 7:30 P.M.

- I) Call to Order: The President called the meeting to order at 5:15 p.m..
- II) Roll Call: Commissioners Present: Chu, Baird, Flynn, Eisenhardt, and Lathan  
Guests: Neves, Bell, and Saunders  
Excused: Kronenberg and Hernandez
- III) Approval of Minutes: No minutes available at this time.
- IV) Director's Report: A status report on the hearings will be forthcoming on Tuesday, October 9, 1979. There will be two hearings scheduled this week. The next hearings will be scheduled October 11, 16, 18.

The President requests a status report on a weekly basis.

The Index of Findings are available for inspection. Originals are to be kept in separate locations in office. Two additional copy files are made available to the public for inspection during normal business hours.

Staff: The clerk-typist position is forthcoming. A CETA position has been requested. A student from U.C. Berkeley is being interviewed tomorrow for an internship position.

A letter was received from Assemblyman Art Agno's Office regarding the brochure to be sent out in his next newsletter.

Human Rights Commission Housing Committee was attended by Donna Solomon. The Human Rights Commission made no recommendation on Proposition R, although the issue was debated.

Commissioner Baird questioned whether Commissioners could sit in on hearings for arbitration. It is requested that Kathryn Pennypacker, of the City Attorney's Office, make a formal opinion on this. He also questioned the Art Agnos letter regarding the newsletter brochure, and how the information was going to be used. President Eisenhardt said that the statements in it are correct but the Board should disavow that the explanation fully covers the Ordinance.



Commissioner Baird raised the question about amendments to the Ordinance. Commissioner Chu suggested that the Board consider reducing the offset provision in the Ordinance. President Eisenhardt and the Executive Director are to work on the wording. (Ord. Section 37.3 (a) (2)) from 15 to 8%.

Commissioner Lathan suggested that the Board do something for Gil for his hard work on getting the Board operational. How about a dinner?

- V) Appeals: 620 Jones Street- Hearing to be held on 10/15/79 at 1:30 p.m.. Notice to be sent tomorrow. This appeal will be heard de novo.

Appeals for consideration- the following appeals are herewithin assigned to the Commissioners listed following the address in question;

1614 Vallejo	Commissioners Flynn and Chu
2240 Northpoint	Commissioners Baird and Lathan
30-40 Crestline	Commissioners Neves and Eisenhardt

- VI) Advisory Opinion on Debt Service: see attachment

- VII) Community Outreach: Press Releases were prepared by the Interim Director and sent to:
- 1) Television and Radio
  - 2) Newspapers
  - 3) Neighborhood Groups (and Agencies)

A cover letter, press release, and brochure were mailed.

- VIII) Special Meeting of R.R.S.A.B.: Agenda for Tuesday, October 9, 1979 at 5:00 p.m..

- 1) Opinion on Debt Service
- 2) Consideration of appeals on;  
1614 Vallejo  
2240 Northpoint  
30-40 Crestline

- IX) Adjournment: The meeting was adjourned at 7:30 p.m..





From the nature of some complaints recently received by the Residential Rent Stabilization and Arbitration Board, it appears that a misconception exists regarding pass-through of costs related to increased debt service resulting from a recent purchase. Some purchasers of residential rental property covered by the Stabilization Ordinance seem to feel that increased debt service automatically justifies rent increases in excess of the guidelines. Since a cursory reading of the Ordinance would do little to change this notion, the Board wishes now to clarify its position so that it may expect consistent rulings from hearing officers.

The Section of the Ordinance which gives rise to this question is 37.8 (b) 3 (c), namely, that hearing officers are charged with the responsibility of determining if rental increases beyond the guidelines are justified. While the burden of proof regarding justification rests with the landlord, the hearing officer is specifically directed to consider debt service as a relevant factor. This section of the Ordinance gives the Board the latitude to specify other relevant factors in its Rules and Regulations.

From the on-set there was a consensus of opinion among Board members that debt service in general, and particularly increased debt service as a result of a recent purchase, was ambiguous. Hence, the Board has previously stated in its Rules and Regulations (6.10B) that "a rent increase based on an increase of debt service resulting from a recent purchase of the structure may be considered only if existing rents are significantly below that of comparable units in the same general area . . . ."

By enacting this section the Board wished to emphasize the word "significant". The Board felt that increased debt service as a result of a purchase is, in and of itself, insufficient evidence of justification for increasing rents beyond the guidelines.



The Board recognizes that there are instances when a property with substantial inherent value changes hands at a price in excess of what the current rental income would seem to warrant. Where this difference in rents (current versus market) was significant and can be shown as such, then and only then would the Board sustain the landlords right to an increase in excess of the guidelines.

Alternatively, the Board felt that it would be difficult in the extreme to expect even reasonable people to agree on the precise level of market rents for a general area. For example, where does Nob Hill end and the Tenderloin begin? Consequently, an investor who purchases a controlled residential rental property in which the rents are determined to be at, or only marginally below market levels in that general area, will be denied an increase in excess of the guidelines regardless of increased debt service.

The intent of this ruling was to avoid the possibility, due to the absence of alternate housing choices, of tenants being forced to subsidize a high acquisition price or a highly leveraged purchase.







RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD  
170 FELL STREET, ROOM 37  
SAN FRANCISCO, CALIFORNIA 94102  
621-RENT

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Minutes of the Meeting on Tuesday, October 9, 1979

5:15 to 7:00 p.m.

- I) Call to Order: President Eisenhardt called the meeting to order at 5:15 p.m..
- II) Roll Call: Commissioners present: Flynn, Chu, Neves, Eisenhardt, and Baird  
Commissioners Absent: Lathan  
Resignation: Kronenberg
- III) Director's Report: A press conference on the Argyle Hotel was held. KGO, KTVU, Examiner, Chronicle, Progress, KCBS, KNBR, K101, KSFO all in attendance. Press releases sent to all local media.

A letter has been received from Steve Birnbaum, Legal Assistance to the Elderly, regarding tenants they are representing. President Eisenhardt is to prepare a response to the letter.

San Franciscans for a Sensible Housing Policy is holding a press conference. They would like to know the Commissioners who oppose Proposition R. President Eisenhardt will call.

Updated statistics were mailed to all Commissioners.

There was some discussion on two of our Hearing Officers:  
a) Steven Ellis  
b) Jeffrey Allen Roberts

The opinion from the City Attorney on Conflict of Interest is being mailed to all Board Commissioners.

- IV) Community Outreach: Assemblyman Art Agnos's brochure has gone to the printer.
- V) Appeals:
- 1) 1614 Vallejo- received 10-1-79. Reviewed by Commissioners Flynn and Chu.  
5-0 Ayes to hear appeal de novo on Tuesday, 10/30/79 at 4:30 p.m.
  - 2) 2240 Northpoint-received 10-4-79.  
5-0 Nay to hear appeal



PAGE TWO

3) 30-40 Crestline-received 10-1-79

5-0 Ayes to hear appeal de novo on Thursday,  
10/25/79 at 4:30 p.m..

4) 2465 Chestnut- Assigned to Commissioners Bell and  
Saunders.

VI) Advisory Opinion on Debt Service: Memo and a press release to be distributed  
city-wide. Each Hearing Officer should receive a copy.

VII) Adjournment: The President adjourned the meeting at 7:00 p.m..





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Minutes of the Meeting on Tuesday, November 13, 1979

5:10 to 8:00 P.M..

- I) Call to Order: Vice-President Lathan called the meeting to order at 5:10 p.m..
- II) Roll Call: Commissioners Present: Chu, Hernandez, Lathan, Saunders, and Flynn  
Guests: Bell, Neves, Baird  
Excused: Eisenhardt
- III) Public Testimony on the Ordinance/Rules and Regulations:

Mr. James Bell, Western Addition S.F.N.L.A.F.- Community access seems to be the problem. The 10-day factor for filing raises alot of questions. Our community can't do this in 10-days. It seems to me that Hearing Officers are also in agreement with this 10-day filing date. People don't understand the 10-day issue.

The community needs informational outreach, P.S.A.s, church mailings, and radio and television contacts.

Another problem is with evictions. Hearing Officers won't hear eviction cases. Substantial Rehabilitation is causing evictions to increase. Hearing Officers don't have power to make Landlord delineate between rehabilitation and substantial rehabilitation. Hearing Officers should hear both.

Don Hesse, a Hearing Officer and member of the Human Rights Commission staff; Many tenants are receiving notices of rent increase and eviction notices. There is a real need for community education. Could we get PG and E or the P.U.C. to include something in their monthly mailing?

Problem: Multi-lingual aspect of the City. Some tenants don't even know what they are hear for when they come in for the hearing. They have merely received a piece of paper with our address on it.

Problem: People are not prepared for the hearing process. The Board might want to consider a brief summary of what parties need and are expected to bring with them for their cases to be heard.

PROBLEM: There is a need for better facilities for R.R.S.A.B.. This will give credibility to the Ordinance.





Problem: Comparable rents; how to prove it?

Mr. Faye, San Francisco Tenant's Union- SFTU is holding workshops for renters on a city-wide and district-wide basis. Evictions are a major concern. The problem must be examined and recommendations need to be made to the Board of Supervisors to tighten up the Ordinance.

Education is essential to making the Ordinance work. What is the most effective way? Outreach? to whom? Poor and minority communities don't want the hassle.

Eviction Study (Don Hesse-Human Rights Commission)- Mat Cole, an intern with the H.R.C., is working on gathering data on evictions. Commissioner Flynn proposes that H.R.C. do a non-bias study of evictions since June 13, 1979.

The procedure would be:

- 1) name and address of landlord and tenant in unlawful detainer action
- 2) materials/questionnaire sent to landlord/attorney for landlord
- 3) R.R.S.A.B. study- what reason for the eviction? has the tenant moved?
- 4) questionnaire to tenant; why evicted? reason? have you moved? where? what is new rent?

Board to consider letter to Chief Clerk of Muni Court requesting access to files.

- IV) Appeals: 1) 2290 Great Highway: Commissioner Hernandez recommends denying the appeal. Commissioner Saunders recommends denying the appeal because the tenant has moved and the case now is moot. We would, therefore, be setting a rent on a vacant unit. Commissioner Flynn suggests sending post cards to all tenants who have moved and ask them some specific information.

5-0 to deny hearing the appeal

- 2) 26 Crestline Drive: Commissioner Neves and Chu recommend denying the appeal. Mr. Louie, the landlord, spoke in defense of his case.

5-0 to deny hearing the appeal

- V) Hearing Officers: Charge 2 attorneys to write up a recommendation regarding hiring and compensation for Hearing Officers. Commissioner Hernandez would like this in operation by January 1, 1980. There is a need to conduct a study of a number of Hearing Officers, qualifications, salaries, etc.

Commissioners Baird and Chu will investigate and report back to the Board by next regular meeting on December 6, 1979.

- VI) Adjournment: The President adjourned the meeting at 8:00 p.m..





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Minutes of the Meeting on Tuesday, November 20, 1979

5:10 to 7:00 p.m.

- I) Call to Order: The meeting was called to order at 5:10 p.m..
- II) Roll Call: Commissioners Present: Hernandez, Chu, Saunders,  
and Flynn  
Commissioners Excused: Eisenhardt, Lathan, Neves
- III) Appeals: 3665-3667 24th Street- Commissioner Hernandez said  
Hearing Officer should have provided more specific information on the case. A real need for clear, concise format.  
Commissioner Flynn discussed Hearing Officer establishment of facts clearly in the record ie: rent history, etc.
- 4-0 to deny the appeal
- IV) Assignment of New Appeals: a) 626 Powell St. Commissioners Saunders/Lathan  
b) 70 Parkridge " Bell/Chu  
c) 1253 16th Ave/420 20th Ave. " Neves/Baird
- V) Residential Hotel Conversion and Demolition Ordinance:
- Emergency legislation has passed the Board of Supervisors providing for a moratorium of 6 months on all conversions. The Planning Department is to do a study. The Ordinance was passed as amended. A final copy will be forwarded to all Commissioners.
- VI) Budget: Citizen's Housing Task Force is to make recommendations on R.R.S.A.B.. The existence of the C.H.T.F. is essential to R.R.S.A.B. The Mayor would like some of our allocated monies to pay for it.
- July 14, 1979, \$86,000 put on the books. Current budget expires January 14, 1979.
- Executive Director to prepare new budget.
- VII) Adjournment: The meeting was adjourned at 7:00 p.m..





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621-RENT

Minutes of the Meeting on Tuesday, November 27, 1979

4:30 to 7:40 p.m.

- I) Roll Call: Commissioners Present: Eisenhardt, Saunders, Bell,  
Lathan, Hernandez, and Chu
- II) Appeals: Consideration of Appeals as follows:
- a) 626 Powell - 4-1 accept/hear on the record
  - b) 70 Parkridge - accepted 5-0, to be heard de novo
  - c) 3822 19th St. - 5-0 remand to new hearing officer
  - d) 1253 16th Avenue/420 20th Avenue - postpone until 12/6/79
- III) Budget: Postponed until 12/6/79
- Recess at 5:33 p.m.
- IV) Continuation of Appeal on 30-40 Crestline:
- V) Adjournment:

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A regular meeting of the Residential Rent Stabilization and Arbitration Board was held on Thursday, December 6, 1979 in the State Building, 350 McAllister, Room 1195. The meeting was called to order at 5:25 PM by Roy Eisenhardt.

PRESENT: Commissioners Roy Eisenhardt (Presiding), Russell Flynn, Dorothy Lathan, Steward Baird, and Leeland Chu. Also present was Commissioner Thomas Saunders.

STAFF: Donna Solomon, Tyrone Mitchell.

Public testimony was presented on recommendations for amendments to the Ordinance.

1. ROBERT DEVRIES - A representative of San Franciscans for Affordable Housing but speaking for himself. The major issue he addressed is Vacancy Decontrol which a) leads to abuse of the eviction process and b) allows rents to rise. He said Vacancy Decontrol should not apply if the tenant does not move voluntarily. In order for the tenant to know, the landlord could be required to give a new tenant the name of the former tenant. Also, a new tenant who moves in after substantial rehabilitation should move in at an adjusted rent. Mr. DeVries stated that some say vacancy decontrol is healthy for the market. However, in fact, landlords will ask more for a vacant apartment to protect himself. In New York, a landlord can raise the rent 7% for a new tenant. This is an extra bonus 7% above the guideline increase imposed on the former tenancy.

Mr. DeVries also spoke to the issue of anti-speculation. The intent of this was to not allow the pass on of debt service. He also addressed the time in which appeals shall be filed. Currently, a petition must be filed before a rent increase goes into effect. He suggested eliminating that requirement so that a tenant could petition at any time, and the decisions would be retroactive only to the date on which the petition was filed.

2. WILLIAM CORMAN (private attorney representing tenants) and JAMES BELL (attorney with San Francisco Neighborhood Legal Assistance Foundation, Western Addition office). Suggestions submitted in writing included the following: 1) Rental units should specifically state that both oral and written agreements are covered by the Ordinance. 2) An entire section was suggested dealing with "Certification of Rental Increases for Capital Improvements and Rehabilitation Work." 3) Filing date should be 30 days instead of 10 days. 4) New section on "Landlords response to tenants petition." 5) Eviction notice must state reasons for eviction. 6) Eviction for other than 37.9 (a) shall include civil damages.

Mr. Bell also suggested that this Board can hear evictions with regard to substantial rehabilitation. It does not prevent a Landlord from going to Municipal Court. It is only a show cause hearing and should cover 37.9 (5, 8-12).



3. DIANE BELOVSKY and BRENT CATO - Legal Assistance to the Elderly.

They said that vacancy decontrol has lead to evictions being up 28% and as more landlords learn to use the ordinance, evictions would rise even more. There is a great fear of retaliatory eviction. It is important to take the onus of the law off the senior citizen. One petitioner can win for self only; should be for entire building to help elderly who cannot petition. They also suggested registering all units and the landlord would have to petition for a rent raise.

4. RON SILLIMAN - Hospitality House (multi-service community agency dealing with problems of the Tenderloin). The main question is not whether 86% of the decisions of the hearing officers favor tenants but whether the cost of housing stock levels off. He suggested registration of all units, the cost of which could be built into the Property Tax. Section 37.2(k) dealing with exemptions states that a resident of a hotel is covered by the ordinance after 60 days; this should be 30 days. He suggested that substantial rehabilitation is a one-time exclusion.

Mr. Silliman suggested that comparables should be real comparables, in that it should only apply if tenants have lived there as long. He also thought it might be a good idea to exclude units owner by the same owner.

Section 37.9(7) allows eviction of a subtenant. Since most of the buildings in the Tenderloin involve a master lease, there is a need for protection for the non-master tenant. Regarding 37.9 (10), which allows for eviction based on demolition or removal for housing use, he suggested that we need every single unit we can get, even the substandard.

5. MRS. WINNIFRED MCCARTHY (Executive Director, Apartment House Associations Consolidated, Inc.) said the recommendations being made tonight are to put into law everything of Proposition R and she does not think that is justified. It is terrible to compare us to New York. It is wrong to register, as it is not cheap. She does not believe vacancy decontrol stimulates evictions. She also expressed concern that if she had not read about this meeting in the newspaper, she would not have known about it.

6. MRS. SOUTHCART suggested publicizing our phone number, 621-RENT; also to have a recording on the telephone to say "Please hold, some will be with you in a few minutes." She also inquired about the formation of the Citizens Housing Task Force, which has been selected but not formally announced or convened.

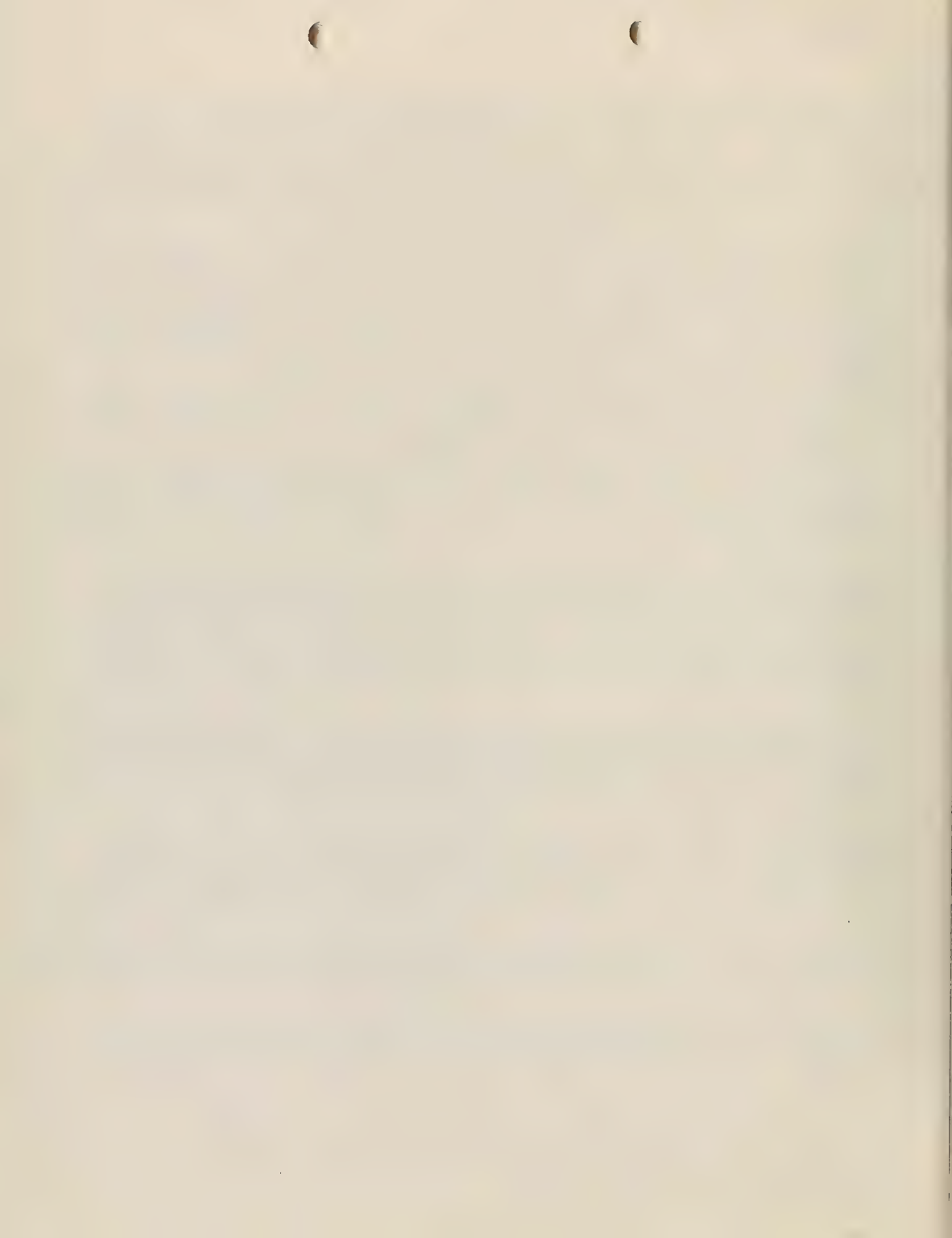
7. DAN GUERLAND (Building Inspection) introduced himself as a private citizen, a renter, and a landlord. He is also a Residential Environment Inspector for the City's Bureau of Building Inspection. He discussed the permit of occupancy which must be issued to every building of three or more apartments upon change of ownership and relicensed each year. This could be used as a power of enforcement.

8. JIM FAYE (Tenants' Union) recommended receipt of permits before allowing demolition or conversion to be used as a reason for eviction. He referred to the 30-day limit, and said a tenant should be able to bring a complaint later.

9. MARY AND JAMES KORGER (Tenants) have lived in a house for 15 months and there have been 3 owners; the current owner plans to do substantial rehabilitation. The \$12,000/unit guideline defeats the purpose of the Ordinance to keep moderate rentals available.

10. MR. WILSON - Tenant on fixed income who has had his rent increased.

11. MICHAEL HARNEY (Renters' Alliance) submitted written recommendations from Alison Brennan of the Peoples Law School.



MINUTES

MINUTES

December 6, 1979

Page Three

Following the public testimony, a motion was made, seconded, and carried (4-0):

That a letter be sent to the Human Rights Commission requesting that their agency do a study on evictions, with the details to be agreed upon at a later date.

The meeting was recessed until Thursday, December 13, 1979 at 4:30 PM at 170 Fell Street, Room 37.







2/12/79  
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= Minutes of the Meeting on Thursday, December 13, 1979

4:40 to 8:00 p.m.

- I) Call to Order: The President called the meeting to order at 4:40 p.m.
- II) Roll Call: Commissioners Present: Lathan, Chu, Eisenhardt, Flynn, and Hernandez  
Commissioner Guests: Saunders, Bell, Neves, and Baird
- III) Communications: The Executive Director read a letter to the Chair- thank you for speaking at the senior center.
- IV) Director's Report: An important issue is the 7% increase that is not given this year. Can the landlord pass on this 7% next year with next years' 7%?

At the last meeting, there was public input. What is needed now is some framework; where do we go from here? R.R.S.A.B. to draft Ordinance Amendments with the City Attorney?

Memo to Board for vacancy on Board, the tenant alternate position. Board sent letter to Mayor. Mayor asks for Board recommendations. Resume and letter to Gil Brigham? Do the names go through Gil or directly from the Board?

Mayor's census committee; needs names of potential candidates.

AB 779- Just Cause Eviction bill before the Assembly in Sacramento. The Executive Director and the City Attorney are drafting input to this bill, introduced by Mel Levine of Southern California.

Palo Alto is setting up a Rent Arbitration Board.

Bar Association program members mentioned the indexing of the Findings of Fact. President suggests that this be amended in Rules and Regulations.

From the City Attorney- Can Board members sit in on hearings? Yes, but only one.

Board members are not to share position with alternate.



Each Board member must vote unless there is a conflict of interest.

U.S.D. Law School Law Clinic in February 1980. 8 Students, plus Robert Curran and the Executive Director to address the Board on co-operation with the Board.

Eviction Study-read letter to Grant Mikins of the Human Rights Commission.

Statistics- report to be completed this weekend.

A motion is introduced to move on to Item VIII "1614 Vallejo" (SEE ATTACHMENT)

A 5 minute recess is in order.

V) Appeals to be considered:

1) 1253 16th Avenue/420 20th Avenue: Commissioner Baird states that no deliberations with regard to Judith Gillis. Commissioner Neves asks that it not be heard. R. S.A.B. did provide arena for conciliation, but landlord had tenant served with eviction papers at the hearing; not a show of good faith. Ms. Gillis was instigator of action at her particular building. Hearing Officer at a disadvantage. The tenant was served by another tenant. Building purchased August 1979. Landlord threatens to use relative to occupy unit. President Eisenhardt says landlord is unwilling to co-operate with R.R.S.A.B. process. No evidence of comparable rents, or for debt service. Hearing Officer lowers rents for lower services. Hearing Officer wrote good opinion.

Commissioner Chu moves that appeal be denied. President seconds.

5-0 to deny the appeal

2) 1532 10th Avenue: Point is issue of law. May 14, 1979, signed lease. This is effective July 1, 1979, above guidelines. Commissioner Baird v for denial; President concurs. Alternate recommends

4-1 to deny the appeal (with Hernandez dissenting)

Question: Can hearing officer sit with board when hearing an appeal? NO, not without tenant's knowledge. This would be inappropriate. Need opinion from City Attorney.

Commissioner Hernandez moves that the previous decision be recinded. Seconded by Commissioner Chu. 5-0 to recind. (Continued to December 20, 1979)



3) 182 Laguna St.: Commissioner Lathan says to uphold the Hearing Officers decision. Commissioner Flynn concurs.

moved by Commissioner Hernandez and seconded by Commissioner Flynn.

5-0 to deny the appeal

4) 240 Hyde St.: Commissioner Chu states that there are insufficient findings of fact a recounting of case issues, resulting in conclusions of law which don't agree with findings of fact. Yes, let us take the appeal. Commissioner Saunders concurs.

Commissioner Hernandez moves to accept it denovo, seconded by Commissioner Chu.

5-0 to accept appeal and hear it de novo

5) 755/765/775/795 Burnett St.: 17 units. Findings not explicit. Hearing denied increases on increased costs due to capital improvements. Landlord did not go through the Real Estate Department certification. No info on comparable rents. Only issue raised is comparables. Commissioner Baird suggests denying the appeal. Commissioner Neves, concurs; not timely filed.

5-0 in favor of hearing the appeal de novo, reserving the decision on question of whether or not Board has jurisdiction to

6) 3172 Mission St.: Commissioner Bell says No. She agrees with Hearing Officer's decision. Commissioner Hernandez says the issue is the second tenant (roommate) (Decision 12/20/79).

VI) Adjournment:

This meeting was adjourned at 8:00 p.m.

(hear the appeal due to the late filing of it.)

Attachment on 1614 Vallejo

\*\*\*\*\*

The landlord has produced evidence that established rents lower than comparables in the same general area. Apartment 102 was recognized as a hardship. The below rental levels were approved by a 3-2 vote of the board, with Commissioners Hernandez and Chu dissenting.

Apartment 102	400.00 per month
Apartment 103	297.50 per month
Apartment 201	470.00 per month
Apartment 203	374.50 per month
Apartment 301	495.00 per month





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DIANNE FEINSTEIN

11/14/79  
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD  
170 FELL STREET, ROOM 37  
SAN FRANCISCO, CALIFORNIA 94102  
621-RENT

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APPEAL HEARING: 70 Parkridge

MAR 24 1980

Present:

Tenant-Petitioner-Appellant: Kenneth Frazer

Landlord-Respondent:

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Commissioners: Russell Flynn, Presiding, Thomas Saunders, Manuel Neves, Jr., and  
Ricardo Hernandez

Staff: Donna Solomon

The hearing began at 9:30 AM on Friday, December 14, 1979 at 170 Fell Street, Room 37.

A motion was made by Commissioner Saunders and seconded by Commissioner Neves that the rent for 70 Parkridge, Apartment 7 shall be \$335.00 based on increased utility cost and the Tenants Survey of the area. The motion passed by a vote of 3-1 with Commissioner Hernandez dissenting.

The meeting adjourned at 11:00 AM.





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Minutes of the Meeting on Thursday, December 20, 1979

4:00 to 6:20 p.m.

- I) Call to Order: Vice-President Lathan called the meeting to order at 4:20 p.m..
- II) Roll Call: Commissioners present: Lathan, Flynn, Chu  
Commissioners excused: Hernandez  
Commissioners Late: Eisenhardt, Baird, Neves
- III) Communications: Log to be presented to each Commissioner at each meeting. If clarification of any item on the log is requested, any Board member can request the Executive Director to read the communication and/or supply a copy of said letter.
- Commissioner Lathan had some questions about a letter from Don Hesse, of the Human Rights Commission. It deals with a particular case of eviction for the relative moving in reason. The apartment was then advertised and re-rented to a new tenant, a non-relative.
- IV) Director's Report: Three items to discuss:
- 1) A copy of AB 779. Executive Director and City Attorney to draft a letter regarding this matter. The Board cannot take a position on a state/federal issue without consent of the Board of Supervisors; by first conferring with City Attorney.
  - 2) Resumes still being requested for tenant alternate on the Board.
  - 3) The 6-Month Report is completed. A copy is herewith given to all Commissioners for their review. Approval of the Report will be scheduled on the January 3 agenda.
  - 4) All meeting minutes for the R.R.S.A.B. will be placed on the January 3, 1980 calendar for discussion and approval.
- V) Appeals:
- 1) 755 5th Avenue-reviewed by Commissioners Flynn/Baird: Commissioner Flynn recommends that we take it on the record. Landlord submitted ample evidence to Hearing Officer. Landlord did not go through the Real Estate Department because of filing fee.



Commissioner Baird agrees. Recommends hearing the case on the record. Building is newly purchased, with significant debt service, and capital improvements in excess of \$15,000.00

The Executive Director makes a statement about "on the record." Each party could speak for a few minutes with no new evidence or witnesses.

Commissioner Baird make a motion: 1) set date of hearing; 2) send tenant and landlord appeal-tenant must respond within 3-5 days; and 3) hearing on the record include 5 minutes of oral presentation.

Commissioner Flynn seconds the motion. Discussion- Commissioner Chu raises the question as to what if we have hearing and evidence is lacking in the file? Commissioner Lathan suggests it be heard de novo.

4-0 Aye to hear the appeal de novo

2) One Wood/50-70 Lupine(increased debt service is issue): Commissioner Flynn not prepared to recommend. Commissioner Chu has not enough information to recommend. The findings are found to be short. The Findings state that \$375-500 per month are comparable rents introduced by the landlord. Former rent was \$280.00. Other units in the same building not being appealed.

Commissioner Lathan states that the Board must come to a common understanding of what the Ordinance says. What is significant?

Put on January 3 agenda- discussion of amendments to Ordinance.

Re: #2, Commissioner Chu says accept de novo. Commissioner Flynn 2nds as a motion.

4-0 to accept the appeal and to hear it de novo.

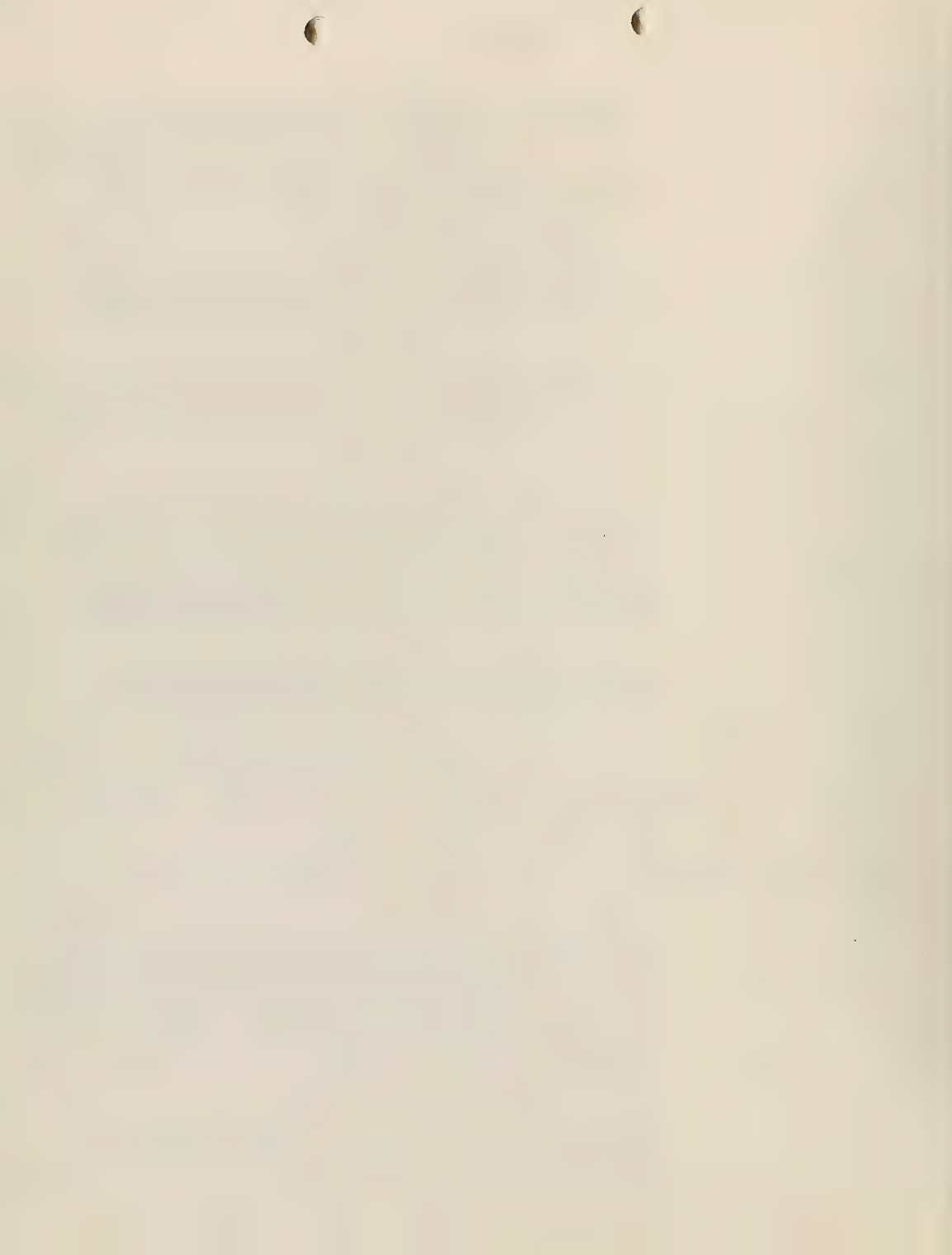
5 minute recess is in order.

3)3822 19th St.-reviewed by Commissioners Eisenhardt/Hernandez: decision from the City Attorney on appeal. Director to read parts of it. Landlord out of town. Findings mailed on Oct. 17. Oct. 30 landlord calls office and has not received findings. Appeal not timely filed. City Attorney recommends that the Board lacks jurisdiction to hear the case.

Commissioner Baird raises a question as to the strictness of the time limits; are they too harsh?

Commissioner Flynn makes a motion to remand this case to the hearing officer, seconded by Commissioner Baird.

4-0 Aye to remand this case to the Hearing Officer.



4) 1532 10th Avenue-reviewed by Commissioners Eisenhardt and Baird: lease signed during the moratorium period; not in the jurisdiction of this Board. It was mutually agreed upon without duress.

Commissioner Baird fears that Landlord using moratorium period to coerce tenants into higher rents. This case involves no duress; a freely bargained deal. Vote not to hear appeal.

Commissioner Flynn makes a motion to deny the appeal; Commissioner Baird seconds it.

4-0 to deny the appeal.

5) 3172 Mission St.-reviewed by Commissioners Hernandez and Bell: Commissioner Hernandez and Bell both agree that the appeal should not be heard. Commissioner Flynn makes a motion to deny the appeal, seconded by Commissioner Chu.

4-0 to deny the appeal.

6) 2000 California-reviewed by Commissioners Lathan and Saunders: Both the tenant and landlord have made contact with the Executive Director about errors in the findings. Commissioner Chu moves to accept it de novo, then withdraws.

Commissioner Baird moves that the case be remanded to the Hearing Officer for clarification. Commissioner Chu seconds.

4-0 Ayes to remand this case to the same Hearing Officer for Clarification.

7) 2240 Northpoint: defer to January 3, 1980.

VI) Hearing Officers:

Hearing Officer Bruce Lilienthal spoke about some issues confronting Hearing Officers. He has 13 opinions before the Board now and has as his major issue, Hearing Officer representation of cases before the Board when they have been, heretofore, Hearing Officers.

If such a policy exists, with reference to Hearing Officers doing only that, and not representing other clients before the Board, would this not favor large law firms, and disfavor the disadvantaged folks of the City? What are Hearing Officer restrictions? Should a committee of Hearing Officers be formed to make recommendations?

Commissioner Chu states that if a Hearing Officer is a Hearing Officer, then that Hearing Officer can't represent Clients here, and associates can't represent them either...

Commissioner Flynn suggests that this be sent in brief to all Hearing Officers. Commissioner Lathan suggests that more time is needed to investigate this and other issues.





Let the Record Show: Commissioner Lee Chu  
is to be married and his new name will be

Commissioner Lee Cole-Chu.

VII) Adjournment:

The meeting was adjourned at 6:20 p.m.





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Minutes of the Regular Meeting of the R.R.S.A.B.,

Thursday, January 3, 1980

5:00-8:00 p.m.

\*\*\*\*\*

I) Call to Order: Vice-President Dorothy Lathan called the meeting to order at 5:10 p.m.

II) Roll Call: Commissioners Present: Ricardo Hernandez, Dorothy Lathan, and Thomas Saunders.  
Flynn(5:15) and Cole-Chu(6:25)  
Alternate Commissioners: Stewart Baird and Mary Bell  
Commissioners Excused Roy Eisenhardt

Commissioner Lathan opened the meeting with several remarks:

- a) we'll break at 6:00 p.m. and then every hour after that;
- b) please refrain from smoking until the breaks; and
- c) minutes dispensed to all Commissioners shall be reviewed and changed/approved at the next regular meeting.

VII) Hearing Officers: D. J. Soviero, a Hearing Officer who has done six (6) cases for the Board, offered some suggestions re: Hearing Officers. She has helped the Director recruit new Hearing Officers. She suggests Board members consider a training program for the Hearing Officers. Some of the points made were:

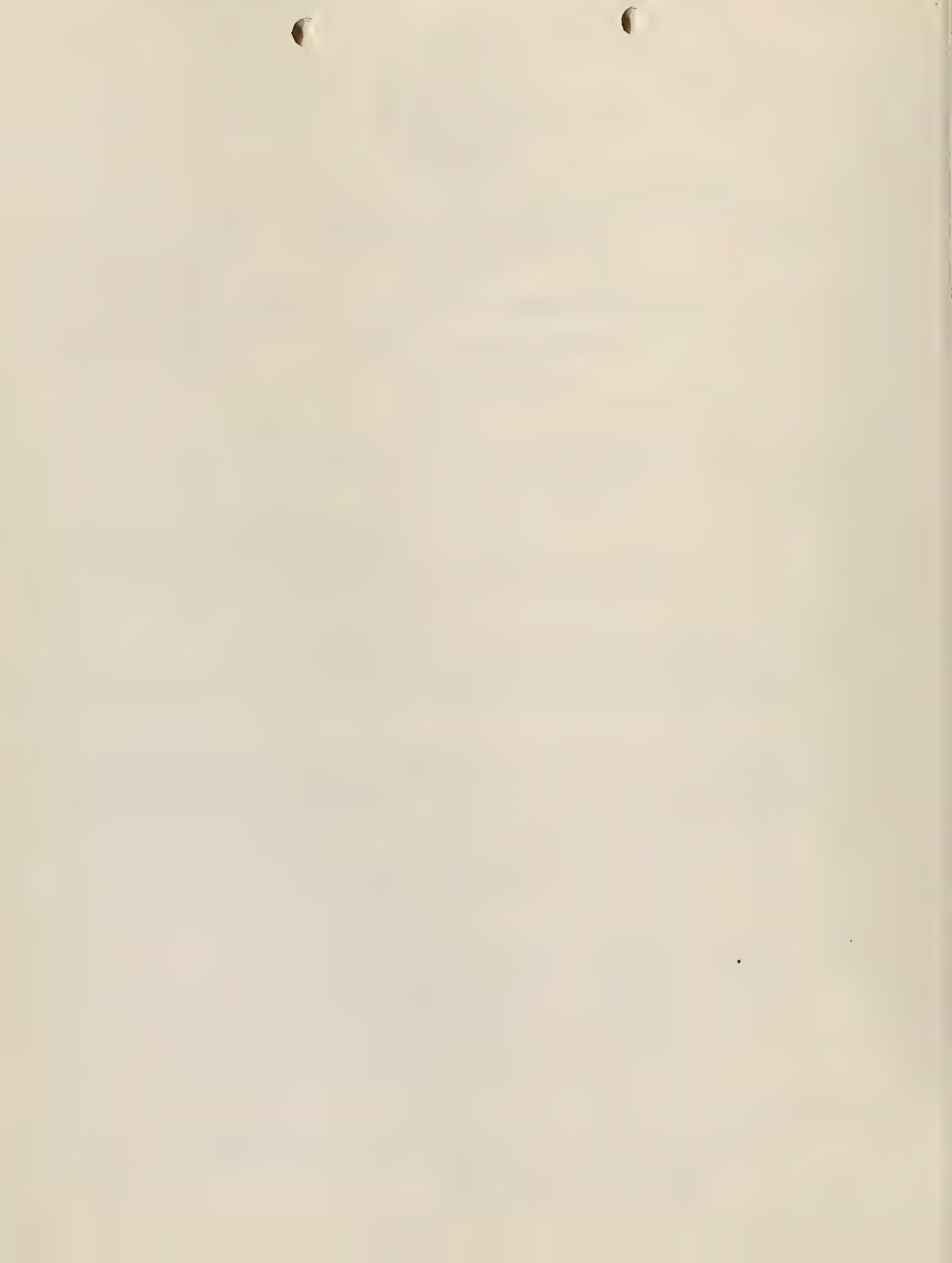
- a) insures uniformity in decision-making process;
- b) eliminate personal bias;
- c) ensure uniform application of Rules and Regulations;
- d) non-attorneys would need some introduction to legal processes at work; and
- e) provides screening-process for Hearing Officers.

She proposed the following methodology:

- a) (MATERIALS)-need for reference manual/workbook with information, checklists, and sample opinions;
- b) (TRAINING)- Supervision, training, and observation of the 1st hearing to get model/idea of hearing process; and
- c) (FOLLOW-UP)- Follow-up with seminars to discuss problems, ideas, sharing of experiences; might be held twice a year.

Commissioner Lathan thanked Ms. Soviero and stated the Board would take this into advisement. Commissioner Flynn raised the question of costs:

- 1) \$700.00 for training manual; a one-time cost for prepared-ready-to-go-to-the-printer copy;
- 2) \$60.00 for new hearing officer; and
- 3) \$400.00 for and including administration.



Commissioner Baird welcomes the suggestions as good. Commissioner Flynn asks how long it will take to work it out? One week or so, with the help of 2 colleagues from National Para-Legal Association. Commissioner Saunders suggests we may want to have a proposal on it. Commissioner Lathan suggests we wait for Commissioner Cole-Chu before any further discussion on the ideas presented.

III) Director's Report: On 620 Jones Street appeal; 2 tenants did not appear at the original hearing on appeal. When landlord appealed, they were included. Now, landlord wants them dropped.

2 other matters dealing with individual appeals:

- a) a letter from John Kelley, regarding Manuel Dudum appeal (Burnett St.)

Commissioner Hernandez questioned whether the landlord notifies the tenant of the filing of the appeal? No. Aren't we supposed to? No. The Board notifies the Tenant/Landlord only when appeal is accepted/denied. Commissioner Hernandez suggests a copy of the appeal be forwarded to all parties concerned. The appeal is also not "on a form as provided by the Board." The Ordinance and Rules/Regulations call for it. The Board needs to develop such a form.

The Director states that 2 appeals are scheduled on Saturday, January 5, 1980. One is 240 Hyde Street--the landlord's attorney will be out of town and requests a continuance. Commissioner Lathan says that the primary parties are here. Commissioner Flynn says that we should not put it over while Commissioners Saunders and Lathan concur. A motion was made by Commissioner Hernandez to deny the request for the continuance, seconded by Commissioner Flynn. The Board voted 4-0 to deny the request for a continuance.

Commissioner Hernandez makes a motion: The Board's Director should ask the City Attorney what is required of the appeal process and follow it, seconded by Commissioner Saunders. The Board votes 4-0 to inquire.

The meeting is recessed at 5:55 and reconvened at 6:05 p.m..

Va.) Adoption of Six-Month Report: Commissioner Hernandez suggests that the report should come from the Board. Commissioner Flynn shares this view. Comments that it is a good report, with agreement on the outline but would like to add comments and/or suggestions. These should be submitted in writing within the next week. The Director is to incorporate recommendations and suggestions before submission to the Mayor and Board of Supervisors by January 15, 1980.

Commissioner Lathan commented on the time frame for input; no later than 1/10/80. Incorporate new information and outline and resubmit to Board by 1/15/80. Commissioner Flynn suggests that each Commissioner's ideas be shared with the other Commissioners.

The Executive Director states that we need a policy/directional changes, ideas for submission to the City Attorney for wording into Amendments for the Ordinance.

Commissioner Lathan wants to know what the process is for presentation of the Report to the Mayor and Board of Supervisors.

Vb) Endorsement of AB 779: Commissioner Lathan asks if the Board wishes to endorse the "Just-Cause Eviction" bill before the Assembly? The Executive Director states that the bill is still in Committee. Commissioner Hernandez states that he would have no trouble endorsing it. The Executive Director spoke with the City Attorney about the bill. She has drafted a letter in support of AB 779, to





Assemblyman Levine. The major areas are:

- a) rehabilitation v/s substantial rehabilitation; and
- b) 37.9 (lease extension) could be a problem.

Commissioner Flynn suggests that we move along and discuss AB 779 at another time.

VI) Consideration of Appeals: 1) 3332 Divisadero- Commissioner Hernandez states that the Findings of Fact proposed an increase of 36%. The Hearing Officer determined that the landlord had increased rent during 4/78-4/79 60%. Section 6.10 (b)- any amount over 15%, etc. means tenant should pay no rent increase. Landlord should refund the difference of overpayment. Landlord is using another decision from this Board as the basis for his appeal. Hearing Officer made decision to have tenant get back overpayment. There is no way to get that overpayment. Did Hearing Officer overstep his boundaries? The Executive Director states that the Ordinance does not provide for refund of overpayment. Some Hearing Officers are saying landlord shall refund overpayments. Commissioner Hernandez says that the Ordinance does apply to underpayment to landlord but says nothing about overpayment to landlord. Commissioner Flynn suggests we deny the appeal- a motion is made, seconded by Commissioner Saunders.

Discussion- Commissioner Cole-Chu asks did the Hearing Officer attempt to specify way to recover the money? Commissioner Hernandez says yes, to reduce the rent or give it back (refund).

The Commissioners voted 5-0 to deny the appeal.

Commissioner Cole-Chu says that the Ordinance is silent on the equity issue. Either landlord can take us to court on a "writ of mandate" or give 3-days to tenant for payment in full.

2) 114 Clayton- Commissioners Lathan and Bell are not prepared to deal with this appeal. Commission Flynn says that this is blatant; mistakes in the Findings of Fact. Commissioners agree to return to this one.

3) 657-663 47th Avenue- Commissioner Flynn states that there has been 17 1/2 to 31% increase in rents. Hearing Officer allowed guideline. Only issue was timely filing; doesn't affect landlord. Hearing Officer made good decision. Commissioner Neves supports this position (see written opinion-in abstentia). The Board voted 5-0 to deny the appeal.

4) 96 Crestline Drive- Commissioner Baird suggests the Board not take this appeal. The brief opinion is too brief. Landlord appealed on comparable rents; landlord wants to present more evidence on comparable units. Deny the appeal; Commissioner Saunders concurs. Commissioner Flynn states that there is no mention of the sale date, unit size, etc. Commissioner Hernandez has concerns about:

- a) all pertinent information about the case needs to be submitted;
- b) hard to decide with no information;
- c) unit is below date supplied in TiTi study; and
- d) should we allow other information/data to influence this and other cases? The landlord bases appeal on the low market rent value and did not present this data is a good way.

Commissioner Flynn suggests that we assume that they assume that we utilize all information available. Commissioner Baird recommends we not base it on data from other buildings that have come before us in the same general area. Commissioner Flynn suggests we must homogenize information. Suggest we not act on this one until we reach decision on 30-40 Crestline Drive appeal. Commissioner Lathan suggests that the Commissioner reviewing this case to look more deeply into this. Commissioner Hernandez asks if this can be remanded to a new Hearing Officer? The Executive Director comments that if we do this,



we must explain why the Board remanded the case; must give Hearing Officer direction. Appeals heard de novo should only be where there are serious errors of fact. Commissioner Saunders makes a point about the same v/s different Hearing Officer. Commissioner Cole-Chu says that there is a difference. I see no power to do that. We have inherent power to ask for clearer position/opinion from the same Hearing Officer. Commissioner Hernandez makes a motion- we need more information on 96 Crestline and 114 Clayton before we decide; seconded by Commissioner Flynn. The Board voted 5-0 to accept the motion.

Commissioner Baird agrees with Commissioner Hernandez about our track record in this area. Commissioner Hernandez requests to staff that we collect data on South Twin Peaks area. Commissioner Flynn states that if staff can put files together, he will get some volunteers to help collate information. "I share Commissioner Hernandez's fear that we'll get trouble from this area. Commissioner Lathan suggests that this is an offer we can't refuse.

5) 2641 Franklin- The Executive Director has additional information on Franklin Street. The tenant is being evicted for the owner to move in. Retaliatory Eviction?

Commissioner Cole-Chu states that if we take it, it may be moot. It is a Marina apartment; nice. Findings of Fact short. Appeal based on comparables. Hearing Officer finds that rent increase becomes effective December 1 instead of the original filing date. Commissioner Bell says that Hearing Officer has discretion to raise about the guidelines. Commissioner Cole-Chu makes a motion that we accept the appeal; the date of original protest should be considered. Commissioner Lathan asks whose request was made to put over the petition/hearing? It was the landlord with the tenant's approval. The three owners wanted to attend the hearing. Commissioner Flynn states that the Hearing Officer could have found 7% justified. The Hearing Officer made a good opinion. Commissioner Hernandez suggested that the Hearing Officer forced conciliation. Commissioner Flynn moved to deny the appeal, seconded by Commissioner Saunders.

Discussion- Commissioner Cole-Chu is bothered by the technicalities, but, however, votes to deny the appeal.

The Board votes 5-0 to deny the appeal.

6) 2965 Washington St.- Commissioner Bell states that this is a situation where there is a new owner, living in building. Maybe he is not going to live there. Commissioner Baird asks whether the Ordinance is applicable(owner-occupied/). Hearing Officer said that it was owner-occupied and never discussed rent increases. Landlord has principal dwelling in San Pedro. Of the last 196 days, the landlord occupied the unit for 45 of those days. Does the intent to occupy satisfy the statutory requirement? The rules and regulations are silent on this issue.

The owner-occupied theory states on three levels: 1) politics; 2) landlord should greater control; and 3) little old lady syndrome.

Commissioner Baird suggests that we should narrowly define this section. When landlord has principal place of residence somewhere else, is that owner-occupied? Commissioner Flynn states that the Hearing Officer is Don Hesse. It seems that the landlord had good intentions; He persuaded the Hearing Officer that he was acting in good faith. Commissioner Baird comments that the 2nd paragraph of the Findings states it well: the Hearing Officer expresses his doubt about the good faith issue. Commissioner Bell states that she believes it is owner-occupied. Commissioner Cole-Chu asks when a owner of 4 4-unit buildings in San Francisco claims residence in all of them,



does that mean there are 4 exemptions? I don't think that this is the intent of the Ordinance. We should rule on the jurisdictional issue. Commissioner Hernandez questions what is owner-occupied? Commissioner Saunders suggests that we get a definition on this on a specific case. Commissioner Baird comments that this appeal is purely jurisdictional. Commissioner Flynn states that this is not owner-occupied and that he backs the Hearing Officer's decision. Commissioner Hernandez comments that the landlord intends to move in, which is the basis for the Hearing Officer's decision. Commissioner Saunders makes a motion to deny the appeal. No second. Commissioner Flynn motions to hear the appeal, etc., etc..

After much discussion, Commissioner Flynn makes a motion to remand this case to the Hearing Officer for a ruling on the substantive issues. The Commissioners voted 4-1 with Commissioner Saunders dissenting, to favor the motion.

Before adjournment, Executive Director asks for names for the replacement of Roy Eisenhardt and Anne Kronenberg. Commissioner Saunders states that the Mayor wants the Board's opinion.

XIV) Adjournment: The meeting was adjourned at 8:00 p.m.







RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD  
170 FELL STREET, ROOM 37  
SAN FRANCISCO, CALIFORNIA 94102  
621-RENT

Minutes of the Meeting on Appeals, Tuesday, January

8, 1980 from 5-8:00 p.m.

\*\*\*\*\*

I) Roll Call: The meeting was called to order at 5:00 p.m.

II) Appeals to be Considered:

- a) Appeal Hearing: 626 Powell Street; This case was heard de novo. Commissioners Flynn, Hernandez, and Cole-Chu voted 3-0 to deny the appeal, and uphold the Hearing Officer's decision.

The landlord has not borne the burden of proof to justify rent increases above the guidelines.

- b) Decision on Appeal: 30-40 Crestline Drive; Acting President Cole-Chu shall write an opinion stating the fair rents.

- c) Consideration of Appeals: 96 Crestline Drive: Commissioners Flynn, Hernandez, and Cole-Chu voted 3-0 to accept the appeal and hear it de novo on January 22, 1980 at 5:00 p.m.

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114 Clayton Street; Commissioners Flynn, Hernandez, and Cole-Chu voted 3-0 to accept the appeal and hear it de novo on January 23, 1980 at 4:30 p.m.

240 Hyde Street; This appeal will be heard on January 23, 1980 at 5:00 p.m.

- d) Reconsideration of 2240 Northpoint Appeal: Commissioners Flynn, Hernandez, and Cole-Chu voted 3-0 to deny the reconsideration of the Appeal decision of the Board on 2240 Northpoint.

III) The meeting was adjourned at 7:05 p.m.





- IV. Hearing Officers: 3 women were present to discuss this issue; they were
- a) D.J. Soviero
  - b) Sandra Sands
  - c) Susan Bloom

Their resumes were attached to the proposal which was submitted on Tuesday of last week. They had brainstormed and focused on the Board's suggestions on proceeding.

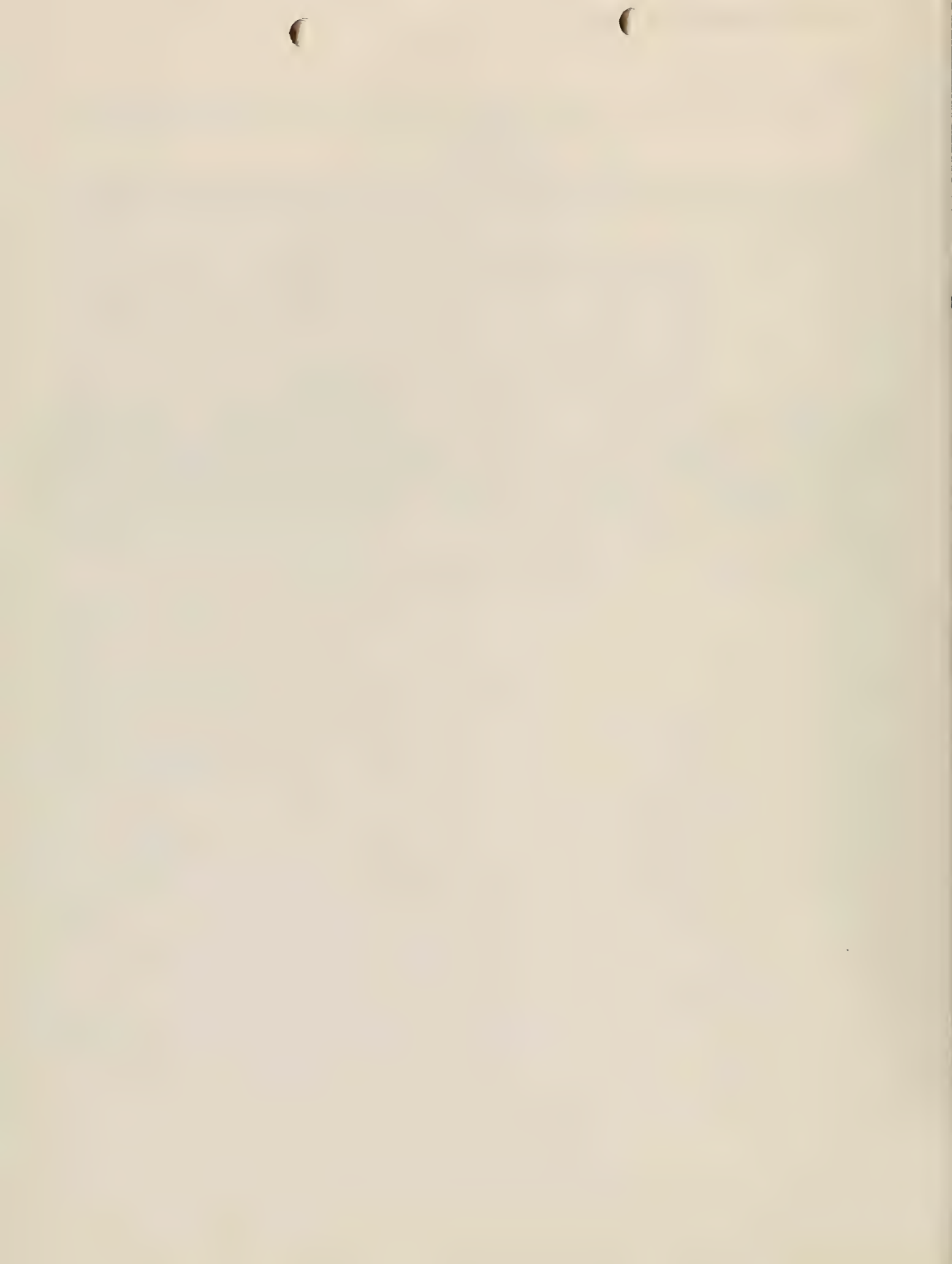
In the training, they expanded scope in several areas;

- a) selection of Hearing Officers: This is a three-tiered process for selection. Committee does the next step; Board is final step. This leads to more consistency with feelings and thrust of the Board.
- b) basic communication system for the Board to pass information onto the Hearing Officers in the form of policies.
- c) Index Hearing decisions to see from cases how flow is proceeding.

Commissioner Baird made comments on the Hearing Officer issue. It has been on the calendar for some months. The Board needs to strengthen its position. To hear and consider the proposal outside of the larger Hearing Officer issue is difficult. Board should resolve to set a time soon to talk extensively about the Hearing Officer issue. This report will assist us to do this. Other Commissioners concur.

A suggestion is made for Saturday, 1/12 at 10:00 a.m. for discussion. How about Monday, January 14 at 5:00 p.m.? Ok.

- V. Adjournment: The meeting was adjourned at 7:-0 p.m..





RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD  
170 FELL STREET, ROOM 37  
SAN FRANCISCO, CALIFORNIA 94102  
621-RENT

Minutes of the Meeting on Appeals, Tuesday, January 8,

1980, 5:00 p.m.

\*\*\*\*\*

- I. Call to Order: The Meeting was called to order at 5:00 p.m.
- II. Appeal Hearing: 626 Powell Street; heard de novo by Commissioners Flynn, Hernandez, and Cole-Chu. The Commissioners voted 3-0 to uphold the decision of the Hearing Officer. The landlord has not borne the burden of proof to justify rent increases above the guidelines.
- III. Decision on Appeal: 30-40 Crestline Drive; A motion was made, seconded, and carried that Acting President Lee Cole-Chu shall write an opinion stating the fair rents for 30-40 Crestline. Commissioners Hernandez, Bell, and Cole-Chu voted 3-0 in favor.
- IV. Consideration of Appeals: 96 Crestline Drive; Commissioners Flynn, Hernandez, and Cole-Chu voted 3-0 to accept the appeal and to hear it de novo, on January 23, 1980, at 5:00 p.m..  
114 Clayton Street; Commissioners Flynn, Hernandez, and Cole-Chu voted 3-0 to accept the appeal and to hear it de novo, on January 23, 1980 at 4:30 p.m..  
Reconsideration of 2240 Northpoint; Commissioners Flynn, Hernandez, and Cole-Chu voted 3-0 to deny the reconsideration of the appeal on 2240 Northpoint.  
240 Hyde Street; to be heard on Wednesday, January 23, 1980 at 5:00 p.m..
- V. Adjournment: The meeting adjourned at 7:05 p.m.





RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD  
170 FELL STREET, ROOM 37  
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621-RENT

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Minutes of the Meeting on Thursday, January 10, 1980

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- I. Call to Order: The meeting was called to order at 4:10 p.m..
- II. Roll Call: Commissioners Lathan- Presiding, Saunders, Bell, Cole-Chu, Hernandez(4:30 to 5:00), Baird(4:20 to 7:00), and Flynn(4:40 to 7:00)
- III. Consideration of Appeals: Kathryn Pennypacker addressed the issue of appeals:
  - 1) Time of appeal: No jurisdiction to consider late appeals. Fifteen days means from the postmark date of the mailing of the Findings. This is not debatable. The Rules and Regulations should address the procedure for dealing with late appeals, i.e. returned by staff or brought to the Board.
  - 2) Fee: Letter appealing case and filing fee should be in by the 15th day. Board can amend Rules to allow for fee being received late. Board should publicize what exceptions it will make. If both sides appeal, both sides must pay the fee.
  - 3) Manner of appeal: should state why appellant believes there was error or abuse of discretion. Perhaps Rules should further explain this.
  - 4) Written comments of Hearing Officers: should be solicited to help Board determine whether or not to accept an appeal.
  - 5) De Novo if "there are serious questions of fact": Boards needs to make this determination. Could consider funding for transcription of original tape.
  - 6) Remand to Hearing Officer: Board must first accept an appeal before remanding it with direction from the Board.
  - 7) Appeals shall be heard within 30-days: This is not jurisdictional but the Board should do its best to keep within this limit.

Recess for Appeal Hearing on One Wood/50-70 -Lupine, Commissioners Lathan-Presiding, Baird, Cole-Chu, Flynn, and Saunders.

Commissioner Flynn asked that the Board move onto Hearing Officer discussion. Commissioner Lathan moves that Board proceed with election of officers. A motion was made, seconded, and carried to hold over this discussion until all members were in attendance. Commissioners voted 3-2, with Lathan and Cole-Chu dissenting.







RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD  
170 FELL STREET, ROOM 37  
SAN FRANCISCO, CALIFORNIA 94102  
621-RENT

Minutes of the Meeting on Monday, January 14, 1980

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- I. Call to Order: The meeting was called to order by Commissioner Cole-Chu at 5:15 p.m..
- II. Roll Call: Commissioners Cole-Chu(presiding), Baird, Flynn, Neves, and Saunders were present.  
Guests present: Susan Bloom, Sandra Sands, D.J. Soviero
- III. Hearing Officers: Current situation regarding backlog of cases and number of Hearing Officers was discussed. Commissioner Saunders recommended that this fee not be related to the fee paid to Commissioners. Sandra Sands indicated many Hearing Officers do need to pay for secretarial services.

A motion was made, seconded, and carried that the Board implement proposal for compensation within 15 days(tabled). Commissioner Baird proposed that we formalize a training session and program including such things as the form we wish to see the opinion on. This should be a prerequisite to becoming a compensated Hearing Officer.

A motion was made, seconded, and carried that subject to approval of the City Attorney, Board will accept the proposal as described in II A and IIIA of the proposal at a cost not to exceed \$2000.00 and to be completed within 3 weeks. This was passed by a 5-0 vote.

A motion was made, seconded, and carried that the Executive Director be instructed to write a letter to the City Attorney and submit with it a copy of the proposal and ask if there is any reason we cannot accept it and any formalities that we must follow to implement it. This was passed 5-0.

Hearing Officers should be notified immediately of the follow-up meeting and invited to attend. They should also be told of the decision on compensation and that they will have an opportunity to apply.

A motion was made, seconded, and carried that the meeting shall recess until Monday, January 21, 1980, at 5:30 p.m. with the same Commissioners seated (Baird dissenting).

IV. Recess:

The meeting was recessed at 8:00 p.m..

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Minutes of the Meeting on Appeals, Tuesday, January

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15, 1980

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- I. Call to Order: The meeting was called to order at 5:00 p.m. by Vice-President Dorothy Lathan.
- II. Roll Call: Commissioners Lathan, Presiding, Cole-Chu, Flynn, Hernandez, and Saunders were present.
- III. Appeal: 755/765/775/795 Burnett Street: A motion was made, seconded, and carried that Mr. Buckhalter, Associate of David Green who is a Hearing Officer, be permitted to represent the landlord and proceed with the hearing. The Commissioners voted 5-0 in favor of the motion.
- A motion was made, seconded, and carried that the appeal be denied for lack of merit and the decision of the Hearing Officer be upheld in its entirety.
- IV. Consideration of Appeals: 1) 833 Ashbury; A motion was made, seconded, and carried that the Board accept the appeal on the record. No new evidence will be permitted and should be stated on the hearing notice. The Board voted 5-0 to accept the appeal on the record.
- 2) 447 Valencia St.; A motion was made, seconded, and carried to accept and remand to the Hearing Officer for further findings in accordance with the evidence submitted at the time of the hearing in regard to Mr. Snyder's original rent. The Commissioners voted 5-0 to accept the appeal and remand it to the Hearing Officer.
- 3) 243 Parnassus; A motion was made, seconded, and carried to deny the appeal. The Commissioners voted 5-0 to deny the appeal.
- V. Adjournment: The meeting adjourned at 7:30 p.m..





RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD  
170 FELL STREET, ROOM 37  
SAN FRANCISCO, CALIFORNIA 94102  
621-RENT

Minutes of the Meeting to Discuss Hearing Officers on

Monday, January 21, 1980 in Room 37 at 170 Fell Street

5:45 p.m. to 7:45 p.m.

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- I. Call to Order: The meeting was called to order at 5:45 p.m. by President Cole-Chu.
- II. Roll Call: Commissioners Cole-Chu, Presiding, Baird, Flynn, and Saunders were present.

III. Discussion on Hearing Officers:

Lee Cole-Chu and D. J. Soviero gave background of developing manual for Hearing Officers. Recommendations and questions from the Hearing Officers followed:

1. Boots Whitmer suggested a Forms section with copies of forms, list of Hearing Officers, Board Members, and City Attorney, and copies of brochures which go to the public.
2. Robert Weinberger: copy of appeal decisions by the Board if a particular point has been interpreted by the Board.
3. Pat Henle: know ahead of time whether either side is bringing in an attorney.
4. Bob Curran: include form from Real Estate Department. Important to tell parties at outset that Findings will be mailed within 10-days. When attorneys are present, specify what is hearsay evidence. Regarding Capital Improvements, is not listed in Ordinance among items to be considered except for certification.
5. Art Hecht: Continue using tape recorders and encourage parties to identify themselves before speaking.
6. Andrea Lewin: Need Board policy regarding rules for information to be turned in after the hearing.
7. Paul Mayfield: Clarify what is acceptable and required for proof of comparables. Where do you draw the line on improvements and how much proof must be shown. How much must be repeated in separate findings for individual tenants in a consolidated hearing?

Discussion of comparables and information to parties regarding the hearing, what to bring, and what will happen.

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8. Boots Whitner: Copy of the Ordinance in manual on one side of the page in large type.
9. Pat Henle: What to do if one party does not attend.
10. Paul Mayfield: Hearing Officers would like to know if cases are appealed.
11. Bruce Lilienthal: Inform landlords that their rate of return is not considered by the Ordinance. Where do we go to find out about Code violations as to what is or is not a violation? To what extent should Hearing Officers explain individual rights? Index statute so that someone can go directly to the appropriate section. How do we know what the Consumer Price Index is ?

A motion was made, seconded, and carried: This Board to start compensating Hearing Officers as of January 22, 1980, assuming the Executive Director is able to get all appropriate clearances from all necessary City Departments.

Commissioner Baird suggested the manual include information on evidence.

IV. Adjournment: The meeting was adjourned at 7:45 p.m..

NOTE: Hearing Officers present at this meeting: Patricia Henle, Andrea Lewin, Susan Bloom, Sandra Jean Sands, Bruce Lilienthal, Robert Weinberger, Ralph Coffman, Robert Sall, Bob Curran, Art Hecht, Edward Corvi, Richard Henry, Wilbur McMinn, Paul Mayfield, Sam Haskins, D.J.Soviero, Boots Whitner, and Gail Saliterman.







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Minutes of the Meeting to Consider Appeals

Wednesday, January 23, 1980 at 4:35 p.m..  
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- I. Call to Order: The meeting was called to order by Commissioner Dorothy Lathan at 4:35 p.m..
- II. Roll Call: Commissioners Lathan, Presiding, Cole-Chu, Bell, Flynn (4:45), Saunders, and Hernandez were present. Commissioner Alternate Baird was also present.
- III. Nomination of Officers: Lee Cole-Chu was elected unanimously as President.
- IV. Appeal De Novo: 114 Clayton Street- The Board resolved that a 13% increase is justified by increased costs and hardship. (5-0).
- V. Appeal De Novo: 240 Hyde Street- Upon a motion made by Commissioner Flynn and seconded by Commissioner Hernandez, it was resolved that the Board uphold the decision of the Hearing Officer. (5-0).
- VI. Adjournment: The meeting was adjourned at 7:50 p.m..

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Minutes of the Meeting to Discuss Amendments to the Ordinance, Saturday, January 26, 1980, at 170 Fell St.

Room 37

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- I. Call to Order: The meeting was called to order by President Cole-Chu at 9:30 a.m..
- II. Roll Call: Commissioners Cole-Chu, Presiding, Flynn, Hernandez, Lathan, and Saunders were present. Alternate Commissioners Bell and Neves were present but not voting.
- III. Amendment Discussion with City Attorney: Kathryn Pennypacker of the City Attorney's Office discussed a draft of amendments to the Ordinance to provide for revisions in the Appeal Procedure. There was discussion about the following items:
1. Fifteen day time limit must be upheld. If Findings are returned, the date of second mailing must be used.
  2. Filing fee of \$10.00 for each appeal.
  3. Appeals must state why appellant believes that the Hearing Officer's decision should be reviewed by the Board (not necessarily an error of fact and abuse of discretion). The content of the appeal shall be subject to further rules and regulations of the Board.
  4. Appeals can be remanded to Hearing Officer without appeal hearing by the Board.
  5. Hardship shall be taken into consideration in determining whether or not to accept an appeal.
  6. Appeals accepted by the Board shall be heard within 45 days.
- IV. Adjournment: The meeting was adjourned at 12:35 p.m..

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Minutes of the Meeting on Appeals, Monday, January

28, 1980

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- I. Call to Order: The meeting was called to order by President Cole-Chu at 5:15 p.m..
- II. Roll Call: Commissioners Cole-Chu, Presiding, Flynn, Hernandez, and Lathan were present.
- III. Appeal: 833 Ashbury- A motion was made, seconded, and carried that Tenant Hart shall pay a rent of \$361.50 per month and Tenant Rifkin shall pay a rent of \$358.00 per month. This motion was passed 4-0.
- IV. Approval of Minutes and Six-Month Report: Approval is to be considered for February 7, 1980 regular meeting.
- V. Consideration of Appeals:
  - A) 895 34th Avenue- Remand to Hearing Officer to correct the specific point of awarding 3 months back rent when apparently only two months should have been awarded. (4-0).
  - B) 1228 Montgomery- Deny the appeal (4-0).
  - C) 1286 Guerrero- Deny the appeal (4-0).
- VI. Adjournment: The meeting was adjourned at 7:30 p.m..

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## Minutes of the Special Meeting of the Rent Arbitration

Board, Thursday, February 7, 1980, 2:00 p.m. - 6:00 p.m.

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- I. Call to Order: The meeting was called to order by President Cole-Chu at 2:15 p.m. in Room 37-A at 170 Fell Street.
- II. Roll Call: Commissioners present at this meeting were: Cole-Chu, Presiding, Saunders, Flynn, Lathan, Neves, Hernandez. Also present were Alternate Commissioners Neves and Baird.
- III. Recommendations from Commissioners and from the public for amendments to the Ordinance and the Rules and Regulations were discussed.
- IV. Adjournment: The meeting was adjourned at 6:00 p.m..

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## Minutes of the Regular Meeting of the Rent Arbitration

Board, Thursday, February 7, 1980, 6:10 p.m. - 7:45 p.m..

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- I. Call to Order: The meeting was called to order by President Cole-Chu at 6:10 p.m. in Room 37 at 170 Fell Street.
- II. Roll Call: Commissioners present at this meeting were: Cole-Chu, Presiding, Saunders, Lathan, Hernandez, Flynn.
- III. Decision on One Wood/50-70 Lupine: Sustain decision of Hearing Officer with Findings to be written up by the Board. (5-0).
- IV. Consideration of Appeals:
- A. 1955 Leavenworth- Accept on the Record (5-0)
  - B. 532 Cole- Accept on the Record (5-0)
  - C. 2569 Post- Deny (5-0)
  - D. 976-78 Valencia- Continued to 2/21/80
- V. Reconsideration of 833 Ashbury: Utility pass through shall include only gas and electric, not water. Commissioners voting Ayes: Cole-Chu, Lathan, and Hernandez.
- VI. Accept Six-Month Report: Accepted 4-0.
- VII. Calendar Items: Next Board meeting at 5:00 p.m. on Thursday, February 21, 1980.
- VIII. Adjournment: The meeting was adjourned at 7:45 p.m..

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DIANNE FEINSTEIN

RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD  
170 FELL STREET, ROOM 37  
SAN FRANCISCO, CALIFORNIA 94102  
621-RENT

DATE: February 5, 1980

TO: Commissioners and Alternates of the San Francisco  
Residential Rent Stabilization and Arbitration Board

FROM: Lee Cole-Chu, President

SUBJECT: Amendments to the Ordinance and Rules and Regulations

cc: each Commissioner and Alternate





RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD  
170 FELL STREET, ROOM 37  
SAN FRANCISCO, CALIFORNIA 94102  
621-RENT

Proposed Amendments to the San Francisco Residential  
Rent Stabilization and Arbitration Board Ordinance

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category	amendments
General Law	Require landlords to provide tenants with simple statement of R.R.S.A. Ordinance rights with all new leases/rent agreements.  (Alternative: Require notices of rent increases to summarize (in appropriate form) tenant rights under the Ordinance and to set forth what owner contends is guideline amount and justification for any increases in excess of guidelines)
Definitions	Amend Section 37.2 (k) (5) to clarify that only buildings with 4 <u>residential</u> units which are owner-occupied are covered-this is needed because owner's unit is arguably not a "rental unit".
Definitions	Specify how long owner must occupy unit to take building out of Ordinance under Section 37.2 (k) (5). (Discourage owners' moving in, raising rents, moving out.)
Definitions	Clarify definition of tenant to include <u>subtenant</u> . Section 37.2 (m).
Definitions	Define utilities to include water/sewer charges for tenant's unit for purposes of Section 37.2 (j) pass-through where water is separately metered and tenant has agreed to pay the cost of water. Rules Section 1.20.
Jurisdiction	Amend definition of "unit" to include units in hotels occupied for a shorter period than 60 days-(30? 45?).
Jurisdiction	Provide power of Board to relieve a party of adverse decision or loss of right to hearing or appeal due to surprise, reasonable mistake, or excuseable neglect or inadvertence.



ruler category	amendments
Jurisdiction	<p>Allow S.F.R.R.S.A.B. to review claims of wrongful, bad faith eviction (lack of just cause) on grounds of 37.9 (a) (8 through 12) (landlord or relative use, condominium conversion, demolition, capital improvements, rehabilitation). Money or Bond in escrow until landlord's good cause is upheld by Board.</p> <p>(Alternative: Allow Board to review evictions of people over a certain age for presence of good cause.</p>
Jurisdiction	<p>Allow tenants to petition for hearing where rent increase is within guidelines but the rent unit is in a condition which does not meet local and state legal requirements, and allow Hearing Officer/Board to review and disallow as unjustified such increases.</p>
Jurisdiction	<p>Have findings of Hearing Officer or Board affect all units in the building, not just appealing tenant's unit.</p>
Filing	<p>Guarantee at least 30-days from <u>receipt</u> of increase notice within which to file tenant petition. (This not needed if time deadline for filing is open-ended. See #13.)</p>
Filing	<p>Board should have power to relieve petitioner of forfeiture of late filing for good cause. (This not needed if time deadline for filing is open-ended. See #13.)</p>
Filing	<p>Allow filing of petition at any time. Only withhold excess rent if filed in time or withhold excess rent only after filing. (However, the Board should be able to find a waiver of the guidelines.)</p>
-A Notices	<p>Use declaration under penalty of perjury to prove mailing of documents to parties. Rules only.</p>
D.R.E.	<p>Board/Hearing Officer should be given discretion to <u>require</u> D.R.E. certification in certain cases.</p>
Petitions	<p>Put basic information and procedures on petition form (or separate sheet(s) sent with petition) in key languages, including burden of proof. Rules only.</p>
-A Petitions	<p>Board should have discretion to allow curing of defective petition within reasonable time, in equity.</p>
Petition	<p>Allow written response to petition for arbitration hearing and to appeal- adjust times for actions to make this opportunity realistic.</p>





Per category amendments

Petition Allow or require written response to tenant's petition for hearing, in which response owner is required to identify evidence that will be presented to justify increase. (Companion idea: Only evidence that is included in response is allowed to be submitted at hearing.)

Petitions Require owners to petition for hearing on rent increases before imposing any increase. Limit increase to what owner justifies at hearing.

#### Capital Improvements/Rehabilitation

Allow either landlord or tenant to appeal to the Board for review of Department of Real Estate Certification (or refusal to certify) of Capital Improvements or Rehabilitation expense.

#### Capital Improvements/Rehabilitation

Require certification by the D.R.E. of all proposed capital improvements and rehabilitation on which increase in rent over guideline is to be based. Require this certification to be obtained before the work is undertaken; give tenants notice of and opportunity to respond to the request for certification.

#### Capital Improvements/Rehabilitation

Clarify for the public, Department of Real Estate, and Hearing Officers how appreciation of property and tax deduction advantages of expense of improvements are to be taken into account-if they are to be taken into account-in considering above-guideline increases on these grounds. Rules only.

#### Substantial Rehabilitation

Limit work counting toward substantial rehabilitation to structural work and new non-removable fixtures-exclude appliances, removable fixtures, replacement fixtures (e.g. carpeting) as being capital improvements not removing unit from scope of the R.R.S.A.B. Ordinance.

#### Substantial Rehabilitation

Allot guidelines for what constitutes substantial rehabilitation by dollar amount per square footage of units' space as opposed to just per unit. Some are large and some small. Rules only.

#### Substantial Rehabilitation

Bring substantially rehabilitated units under the Ordinance: allow owner to charge rents after rehabilitation only as adjusted to compensate for cost of rehabilitation (perhaps plus bonus percentage).

#### Guidelines

Bar any increase in rent in month-to-month rentals for 6 months after the tenant moves in.



category	amendments
Guideline	Acknowledge and uphold April - June 1979 Rent freeze by rejecting any increase imposed during that period. Allow only guideline increase (with regular exception provisions) based on pre-freeze rent.
Guideline	Reduce the Section 37.3 (a) (2) gouging offset from 15% to 6%: equalize it with the 13% rent increase (Section 37.3 (a) (1)). It doesn't seem fair that an owner should be allowed a greater total increase for the period of April 1978, to the present when he or she raised the rent during that period that an owner who imposed no rent increase during the April 1978 to April 1979 period is allowed.
Guideline	Allow guideline increases to accumulate-if 7% not imposed in one 12-month period, it becomes 14% allowable in 24-month period. Encourage owners not to increase rents every year to the limits.
Guideline	<u>Vacancy decontrol</u> : Require owner to give name of former tenant's name (and address unless former tenant didn't tell owner) to new tenant.
Guideline	<u>Vacancy decontrol; Voluntary vacancy cases</u> : Allow rent increases beyond regular guideline amounts for new tenants based on length of time unit was vacant between former and new tenant occupancies: prorate loss of rent due to vacancy over 12-month period and add that to guideline as adjusted allowable rent to new tenant. (Alternate Commissioner Neves)
Guideline	Eliminate vacancy decontrol as to units involuntarily vacated- e.g. landlord moves out tenant so landlord can move in, then landlord moves out.
Guideline	Eliminate vacancy decontrol as to units involuntarily vacated, except in cases where tenant was evicted for capital improvements on, or substantial rehabilitation of, the unit, improvements were completed, <u>and</u> former tenant doesn't want to move back in.
Guideline	Eliminate vacancy decontrol, but allow extra rent increase percentage upon vacancy.
Guideline	Eliminate vacancy decontrol- no matter why unit vacated.
Commission	Change from 5 Commissioners and 5 Alternate Commissioners to 10 full Commissioners. Retain quorum requirement at 3. Increase flexibility, speed of getting work done. (Alternate Commissioner Neves.)

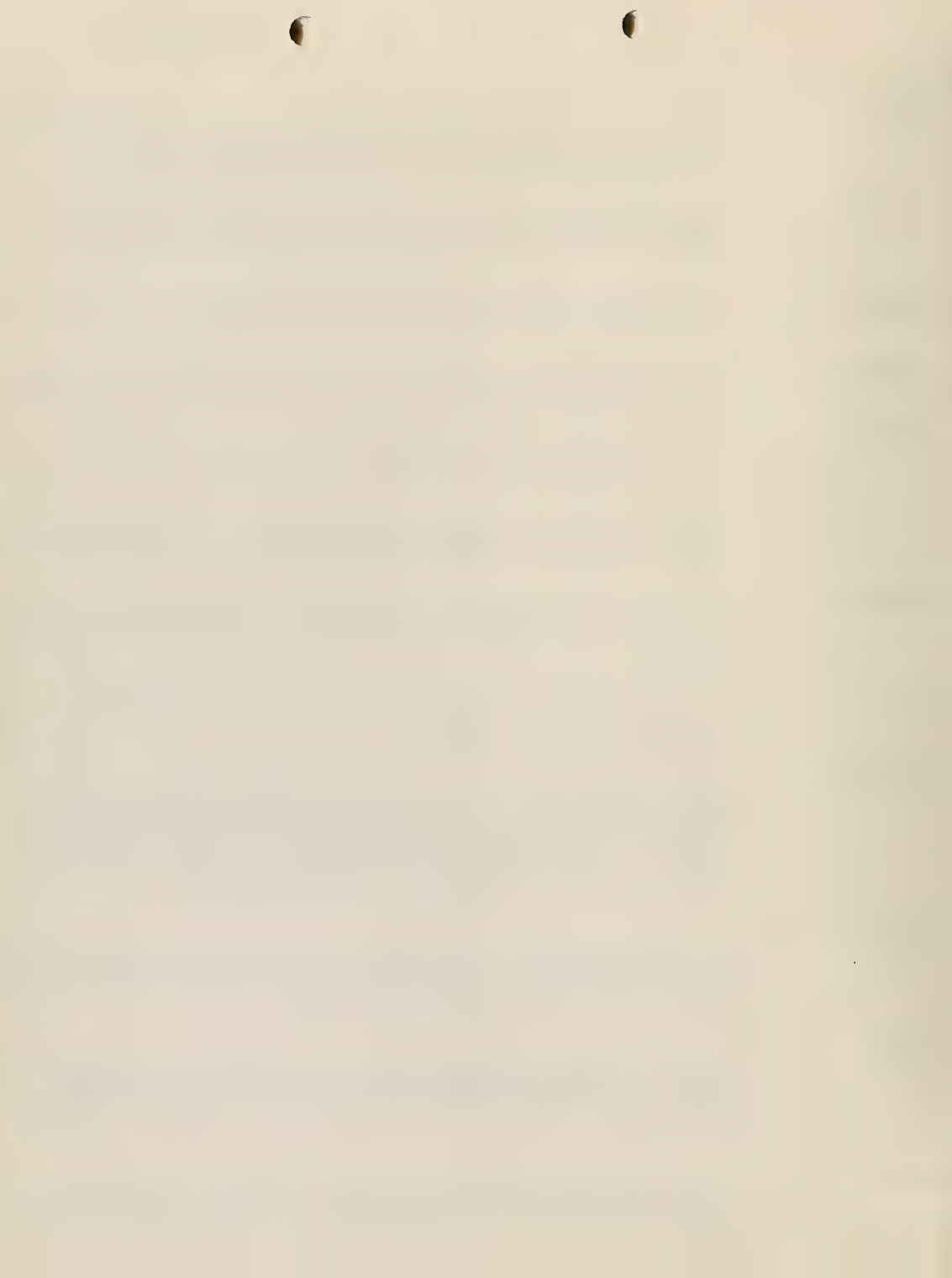


Number	Category	Amendments
	Fees	Have all security deposits on covered units placed in a central escrow fund during the occupancy of each tenant, interest to pay for costs/salaries of the Residential Rent Stabilization and Arbitration Board (and perhaps of the Citizens Housing Task Force), with refund to tenant on vacancy (provided owner doesn't claim damages beyond normal wear and tear). (From Alternate Commissioner Neves)
	Fees	Amend Rules Section 8.10 to specify landlords filing fee on appeal. Rules only.
	Fees	Amend Section 3.10 of Rules to clear up discrepancy between "tenant petitions" (Section 3.10 (a) (1)) and "landlord appeals" (Section 3.10 (a) (2)). Rules only.
	Hearing Officers	Include pay of hearing officers and invoice procedures, requirements before getting paid, in Rules and Regulations. Rules only.
	Hearings	Give more notice of hearing: 15-days from date of mailing or 10-working days.
	Hearings	Shorten time for hearing to 30-days from filing of petition: Reduce chances that the Ordinance will be in violation of the "due process of law" (landlord entitled to prompt resolution in administrative proceedings) principle of <u>Birkenfeld v. City of Berkeley</u> .
	Hearings	Clarify that Hearing Officers and Board have authority to set rent between guideline amount and rent sought by owner: Section 37.8 (b) (3) (E) does not mean hearing officer must allow full increase sought if he or she finds an increase over guidelines is justified.
	Hearings	Allow petitioning party option of barring attorneys or representatives at Hearing Officer level. Other side retains right to appeal de novo.
	Hearings	Amend Rules Section 7.13 to allow conciliation efforts at any time during hearing. Rules only.
	Hearings	Resolve conflict between Rules and Regulations Section 7.12, which allows hearing to go forward without party, and Section 7.19 which requires personal attendance of each party except in case of elderly, or physically handicapped/mentally handicapped people. Rules only.
	Hearings	Give hearing officers greater discretion in granting continuances. Rule Section 7.11 now only allows continuance for illness or emergency. What about employment? Rules only.





category	amendments
Hearings	Decide and set forth in Rules what power hearing officer has to accept documents/evidence after hearing has been held.
Hearings	Does Board wish to specify what forms of hearsay hearing officer may consider? If so, set forth those limitations in Rules. Rules only.
Evidence	Clarify that hearing officers may consider hardship.
Evidence	Clarify relevance (or lack of it) of tenant's income. Rules only.
Evidence	Require evidence of comparables to include length tenant has lived in the unit claimed to be comparable. Rules only.
Decisions	Specify authority of hearing officer and Board to order offset against future rent for rent payments found to be in excess of guidelines.
Decisions	Eliminate requirement that party ordered by hearing officer or Board to pay past underpayments (or to pay back overpayments received) with <u>interest</u> .
Decisions	Specify in Rules that tenant is required to pay the rent ordered by the hearing officer. Rules only.
Opinions	Require hearing officer to give Board and parties certain basic information in every opinion when tenant moved in; pre-increase rent; date since which former rent paid; date of increase appealed from or sought by landlord petition; amount of increase sought; unit each tenant has; number of bedrooms. Rules and Manual only.
Appeal-Time Limits	Board's time within which to decide appeals should not be jurisdictional but merely directory. (Could hold up fee checks to members if any decisions not issued within directed times.)
Appeals	Give Board explicit authority to remand a case on appeal to hearing officer for further findings or clarification-without terminating Board's power to hear appeal after receiving the further findings/clarification.
Appeals	Specify manner in which money overpaid or underpaid by tenant between hearing officer decision and appeal decision is to be paid to party found by the Board to be owed money. Do not require payment of interest.



er category	amendments
Appeals	Give Board discretion to stay the effect of hearing officer's decision after filing of appeal and pending appeal decision.
Appeals	Does the Board want <u>staff</u> to reject late appeals, or does Board want to consider all appeals? Specify in Rules.
Appeals	Serve responding party a copy of appeal as soon as appeal is taken by Board.
Appeals	Put basic information about what Board will generally consider at appeal hearing on a form to be sent with notice of appeal hearing. Rules only.
Evictions	Allow <u>private</u> cause of action for civil damages and attorney fees, including minimum statutory penalties for wrongful eviction.  (also: allow attorney's fees to be paid by plaintiff if defendant wins.)
Evictions	Expand good cause for evictions to make good cause necessary not only for court actions for eviction, but also for demands or attempts without court action, to have tenant leave. Section 37.9 (a) and Section 37.9 (c).
Evictions	Increase fines for violation of good cause requirement for evictions. Increase the deterrent: jail is unlikely.
Evictions	When owner wishes to evict tenant in order to move either owner or relative (as allowed by Ordinance) into unit, require owner to pay first and last month's rent in escrow (trust) with R.R.S.A.B. before-hand. If and when owner satisfies Board that the owner or relative has moved in, rent deposit is refunded. If Board not satisfied within certain amount of time, deposit may be given to defray costs of the tenant's move. (Alternate Commissioner Neves)
Evictions	During conversion of residential hotel to transient hotel, if tenant must be moved from unit, he/she must be allowed to move to any vacant habitable unit in the same building.
Evictions	Require that demolition permit or permit for other (non-housing) use be already obtained before eviction is allowed on ground of Section 37.9 (a) (10).



category	amendments
Evictions	Require complaints in unlawful detainer to state what just cause(s) under the Ordinance the eviction is based on and facts supporting existence of that cause.
Evictions	Give Board and hearing officers the power/discretion to consider petitions to effect that eviction on grounds of substantial rehabilitation is improper or in bad faith?
Sanctions	Extend sanctions for fraudulent eviction to collaborators with landlord. Allow civil cause of action against collaborators by former tenant (as well as criminal penalties).





RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD  
170 FELL STREET, ROOM 37  
SAN FRANCISCO, CALIFORNIA 94102  
621-RENT

MEMORANDUM TO: Mayor Dianne Feinstein  
Supervisor Harry Britt, Chair, Planning, Housing & Development Committee  
Supervisor Don Horanzy, Vice-Chair, Planning, Housing & Development  
Supervisor Doris Ward, Member, Planning, Housing, & Development  
Supervisor Ed Lawson  
Supervisor Louise Renne  
Supervisor John Molinari  
Supervisor Ella Hill Hutch  
Supervisor Carol Ruth Silver  
Supervisor Nancy Walker  
Supervisor Quentin Kopp  
Supervisor John Bardis  
Members of the Citizens Housing Task Force

FROM: Leeland J. Cole-Chu, President, San Francisco Residential Rent Stabilization and Arbitration Board

DATE: February 11, 1980

RE: Proposed amendments to Ordinance 276-79, the San Francisco Residential Rent Stabilization and Arbitration Ordinance

In the six and a half months of operation of the San Francisco Residential Rent Stabilization and Arbitration Board (the "Rent Board"), the Board has learned the provisions of Ordinance 276-79 thoroughly. The other commissioners, alternate commissioners and I, as well as our staff and the public, have found much of the Ordinance clear, fair and very effective. There are also provisions which the Board feels need to be amended--or which need to be complemented by additional provisions in order to address certain problems inadvertently created by the Ordinance.

The Board has heard hours of public testimony about areas where the Ordinance might be amended. We have had the benefit of suggestions of advocates who have represented parties before the Board or its hearing officers, of the hearing officers themselves, and of the City Attorney's and District Attorney's staff members. Over seventy amendment ideas were recently evaluated by the Board. Some ideas were substantial and some were of just a housekeeping nature; many involved the Ordinance and some only involved the Board's Rules and Regulations.

Probably the greatest controversy over the Ordinance now is the subject of "vacancy decontrol", an aspect endorsed by some as a valve to let off the economic pressure of this new Ordinance on landlords, and condemned by others as the cause of many evictions in violation of at least the spirit of the Ordinance. The majority of the Board favors retention of vacancy decontrol. The Board recognizes that tenants have been evicted from their units without good cause, as delineated in the Ordinance, and unanimously proposes amendments, other than elimination of vacancy decontrol to





The Rent Board unanimously proposes and requests that the following amendments to Ordinance 276-79 be drafted and adopted, based upon the ideas and problems given to us and upon our judgment and experience in administering, interpreting and enforcing the Ordinance. These are roughly in the order in which the sections affected appear in the Ordinance.

Number	Category	Proposed Amendment
1	Definitions	Amend 37.2(k)(5) to clarify that only buildings with 4 residential units which are owner-occupied are covered. This is needed because owner's unit is arguably not a "rental unit".
2	Definitions	Specify how long an owner must occupy a unit to take a building out of the Ordinance under 37.2(k)(5). (Discourage owner's moving in, raising rents, moving out.)
3	Definitions	Clarify the definition of tenant to include an approved <u>subtenant</u> . 37.2(m).
4	Jurisdiction	Amend definition of "unit" in 37.2(k)(1) to include units in hotels occupied for <u>32</u> days (reduced from present 60 days) or more.
5	Jurisdiction	Provide power of Board to relieve a party of an adverse decision or loss of right to hearing or appeal due to surprise, reasonable mistake, or excusable neglect or inadvertence. 37.6.
6	DRE	The Board and its Hearing Officers should be given the discretion (Rules to be adopted by the Board) to <u>require</u> Real Estate Department certification of capital improvement or rehabilitation expenses in certain cases. 37.7(c) and (d)(1). This discretion is needed in cases of large scale improvements requiring expert appraisal.
7	Capital Improvements/ Rehab	Eliminate the landlords' right to appeal to the Board for review of Real Estate Department certification (or refusal to certify) of capital improvements or rehabilitation expense. 37.7(d)(6).
8	Filing	Guarantee tenants at least 30 days from <u>receipt</u> of rent increase notice within which to file tenant petition. 37.8(b)(1)(c). This is especially important for week-to-week tenants.
9	Filing	Board should have power, for good cause, to relieve petitioners of the current forfeiture of late filing. 37.8(b)(1)(c).



Number	Category	Proposed Amendment
10	Petitions	Board should have discretion to allow curing of defective petition within reasonable time, in equity. 37.8(b)(1)(B).
11	Petitions	Allow written responses to petitions for arbitration hearing and to appeals to be filed with the Board. 37.8(b)(1)(E).
12	Guidelines	Bar any increase in rent in month-to-month rentals for 12 months after the beginning of a tenant's occupancy. 37.3
13	Guidelines	Allow no more than one rent increase to be imposed upon any tenant in any 12-month period. 37.3
14	Guideline	Acknowledge and uphold the April - June 1979 Rent freeze by rejecting any increase imposed during that period. Allow only guideline increase (with regular exception provisions) based on pre-freeze rent.
15	Guideline	Reduce the 37.3(a)(2) "gouging" offset from 15% to 6%: equalize it with the 13% rent increase (37.3(a)(1)). It does not seem fair that an owner should be allowed a greater total increase for the period of April, 1978, to the present when he or she raised the rent during that period than an owner who imposed no rent increase during the April, '78, to April, '79, period is allowed.
16	Hearings	Clarify that the Board and its Hearing Officers have the authority to set rent between guideline amount and rent sought by owner: 37.8(b)(3)(E) does not mean hearing officer must allow full increase sought if he or she finds an increase over guidelines is justified.
17	Decisions	Specify authority of the Board and its Hearing Officers to order offset against future rent for rent payments found to be in excess of guidelines. 37.8(b)(3)(E) and 37.8(b)(4)(E).
18	Decisions	Eliminate the requirement that <u>interest</u> be paid when a party is ordered by hearing officer or Board to pay past underpayments (or to pay back overpayments received). 37.8(b)(3)(E).
19	Appeal/ time limits	Have the Rent Board's time within which to decide appeals be directory, not jurisdictional. 37.8(b)(4). (A draft of such an amendment has already been prepared by the City Attorney's office.)
20	Appeal	Give the Rent Board explicit authority to remand a case on appeal to the hearing officer for further findings or clarification--without terminating Board's power to hear appeal after receiving the further findings/clarification. 37.8(b)(4)(E).



<u>Number</u>	<u>Category</u>	<u>Proposed Amendment</u>
21	Appeals	Give the Rent Board the Discretion to decide, subject to the stipulation of the parties, how money overpaid or underpaid by a tenant between a hearing officer's decision and an appeal decision is to be paid to party found by the Board to be owed money. Do not require payment of interest. 37.8(b)(4)(E).
22	Evictions	Allow a private cause of action against the landlord and his/her collaborators for civil damages, including minimum statutory damages, and attorneys fees for wrongful eviction. 37.9
23	Evictions	Expand good cause for evictions to make good cause necessary not only for court actions for eviction, but also for demands or attempts, without court action, to have tenant leave. 37.9(a) and 37.9(c). A draft for such an amendment has been prepared by the City Attorney's office.
24	Evictions	Require that demolition permit or permit for other (non-housing) use be already obtained before eviction is allowed on ground of 37.9(a)(10).
25	Evictions	Give the RRSAB the power to sue for injunctions against bad faith/wrongful evictions and for damages, including minimum statutory damages, for wrongful eviction in violation of the Ordinance. 37.9.
26.	Eviction	Increase the maximum fines for violation of good cause requirement for evictions to \$2,000.00. 37.10.
27	Sanctions	Extend the criminal sanctions for bad faith/wrongful eviction to collaborators with the accused landlord. 37.10.

The other members of the Rent Board, our Alternates, our staff and I look forward to discussing these and any other proposed amendments with you, Madam Mayor and Supervisors.

Above are our unanimously requested amendments. Please give them careful and expeditious consideration. Thank you very much.

Leeland J. Cole-Chu

cc: All Commissioners and Alternate Commissioners  
of the Rent Board  
George Agnost, City Attorney  
James F. Lazarus, Deputy City Attorney  
Kathryn Pennypacker, Deputy City Attorney







Minutes of the Special Meeting of the Rent Arbitration

Board, Thursday, February 21, 1980, 5:00 p.m. - 8:55 p.m.

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- I. Call to Order: The meeting was called to order by President Cole-Chu at 5:15 p.m..
- II. Roll Call: Commissioners Cole-Chu, Presiding, Flynn, Lathan, Hernandez, and Saunders were present.
- III. Communications:
1. From Donn Saunders, tenant, who requested refund of his \$10.00 appeal filing fee since other tenants of his building had received refunds.
  2. From David Heilbron, President, Bar Association of San Francisco, regarding a request from the Rent Board for volunteer services from paralegals.
  3. From Assemblyman Art Agnos, copies of letters he sent to District Attorney Arlo Smith and Bernal Realty Company regarding an attempted eviction.
  4. From Mayor Dianne Feinstein to all Commissioners and Department Heads expressing her eagerness to work closely with departments.
- IV. Director's Report:
1. The Planning, Housing, and Development Committee of Board of Supervisors met on Wednesday, February 20 and had a public hearing on amendments to the Residential Rent Stabilization and Arbitration Ordinance. After departmental presentations from the Citizens Housing Task Force, Housing Policy Group, Supervisor Harry Britt, and the Residential Rent Stabilization and Arbitration Board, there were 36 presentations from members of the public (21 tenants; 15 landlords).

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The Committee did not make recommendations to the full Board. The City Attorney will draft language for Supervisor Britt's recommendation to eliminate vacancy de-control and the unanimous recommendations of the Rent Board. There will also be a recommendation drafted, at the request of Supervisor Britt, to require a landlord to petition the Rent Board for approval for any rent increase above the guidelines. The Board of Supervisors will hear these items on Monday, March 3, 1980.

2. The Bar Association of San Francisco is holding a workshop on Landlord/Tenant relations on Saturday, February 23, 1980.

3. New staff include James Alan Houston, Law Student on a Work-Study Program and Denise Franklin, Clerk-Typist. Contacts have also been made with CETA for additional staff.



4. The Six-Month Report is completed and has been mailed to the Rent Board Commissioners, Mayor, Board of Supervisors, Citizens Housing Task Force, and the Housing Policy Group. A press release will be prepared indicating the report is available for \$1.00, which is approximately the cost of printing.

V. Disclosure Statement: After brief discussion, a motion was made, seconded, and carried that the Disclosure Statement be the first item on the agenda after Roll Call for the next regular meeting on March 6, 1980, and that Mr. James Lazarus, Deputy City Attorney, be invited to attend and answer questions and provide sample statements.

VI. Appeal on the Record: 1955 Leavenworth, #11: A motion was made by Commissioner Flynn and seconded by Commissioner Saunders and carried to reverse interpretation of Hearing Officer regarding the anti-speculation clause and uphold the Hearing Officer's recommendation that, other than this provision, the landlord had justified the increase to \$225.00 per month.

Commissioners voted on this appeal:

AYES: Flynn, Saunders, Cole-Chu

NOES: Hernandez, Lathan

VII. Appeal on the Record: 532 Cole Street, #6: The Commissioners voted to deny the landlord's late appeal with no fee. (4-1). A motion was made by Commissioner Flynn and seconded by Commissioner Saunders and carried to reverse decision of the Hearing Officer and deny the 7% increase awarded. (4-1).

Commissioners voted on this appeal:

AYES: Flynn, Saunders, Lathan, Cole-Chu

NOES: Hernandez

Commissioner Hernandez asked that it be clarified whether or not the tenants have been paying the increase and deal with that in the decision.

VIII. Consideration of Appeals:

- A. 2401 Sacramento- Remand to same Hearing Officer (3-0).
- B. 976-978 Valencia- Tabled to Monday, February 25 (3-0). A motion was made, seconded, and carried to take motion back from table (3-0). A motion was made, seconded, and carried to hear the appeal de novo (3-0).
- C. 2000 California- Agenda for Monday, February 25.
- D. 3822 19th St.- Agenda for Monday, February 25.
- E. 229 21st Avenue- Denied (3-0).

IX. Adjournment: The meeting was adjourned at 8:55 p.m..





## Minutes of the Special Meeting of the Rent Arbitration

Board, Monday, February 25, 1980, 5:50 p.m. - 9:55 p.m.

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- I. Call to Order: The meeting was called to order by President Cole-Chu at 5:50 p.m..
- II. Roll Call: Commissioners present: Cole-Chu, Presiding, Baird, and Flynn  
Staff: Donna Solomon  
Guests: D. J. Soviero

- III. Hearing Officer Handbook: D. J. Soviero discussed layout, production, and further direction for development of the manual. Potential changes in the Ordinance will not significantly change the overall manual.

A motion was made, seconded, and carried that the Executive Director be directed to draft a memorandum to Hearing Officers regarding decrease of housing services. (3-0).

Commissioner Baird asked that a one-page overview be included in the Introduction.

Commissioner Baird will be the representative for the Board. All Commissioners will be asked to submit written comments by Monday, March 3, 1980.

- IV. Budget: Discussion of New Appeal Process with Hearing Officers.

Review and Recommend- \$20.00/case

Hearing/Decision- \$20.00/case

Discussion of additional staff to help answer the telephones:

(work-study) Students- 3 mo. x \$400.00 = \$1200.00 (4 PT)  
3 mo. x \$400.00 = \$1200.00 (2 FT)

- V. Amendment to the Ordinance: Consideration of a position on the proposed amendment to require a landlord to petition before imposing any increase above the guidelines should be discussed at a larger meeting.

- VI. CPI: A motion was made, seconded, and carried that under the Board's duty to compute the figure under Section 37.3 (a) (4), that figure is found to be 11%. (3-0).

- VII. Consideration of Appeals: A. 2000 California St.- Denied (3-0)  
B. 3822 19th St.- Postpone

- VIII. Calendar Items: Thursday, March 6, 1980 meeting at 5:00 p.m. to discuss budget.

- IX. Adjournment: The meeting was adjourned at 9:55 p.m..

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Minutes of the Special Meeting of the Rent Arbitration

Board, Thursday, February 28, 1980, 5:30 p.m. - 8:00 p.m.

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- I. Call to Order: The meeting was called to order by President Cole-Chu at 5:30 p.m..
- II. Roll Call: Commissioners present: Cole-Chu, presiding, Flynn, Hernandez, and Lathan  
Staff present: Donna Solomon
- III. Consideration of Appeals: 3822 19th Street- DENIED (4-0).
- IV. Budget:
- |                     |             |              |
|---------------------|-------------|--------------|
| Feb. - March, 1980  | Adopted 4-0 | \$23,523.00  |
| April - Sept., 1980 | Adopted 4-0 | \$87,119.00  |
| Oct. - June, 1981   | Adopted 3-0 | \$135,893.00 |

Budget Discussion:

Salaries: Salaries for Executive Director, Senior Clerk Steno, and Clerk Typist are paid every two weeks. After July 1, 1980, a 5% potential cost-of-living increase was added. As of October 1, 1980, an additional position of Administrative Assistant was added. This would require prior approval of the Civil Service Commission. It is intended to move the Senior Clerk Steno to this position if it is approved.

Fringes: Fringe benefits must be allocated, even though as temporary employees, which all Rent Board staff are and will continue to be, there are no fringes. However, there is now a charge of \$14.31 per day period for unemployment insurance.

Students: It was decided to add additional law students on work-study contracts. This is to be done immediately with four part-time students during the regular school year, and two full-time students during the summer. This is calculated at the rate of \$100.00 per student per month on a part-time basis, and double for full-time.

Telephone: This is figured at \$400.00 per month. However, the six-month budget for telephone was cut from \$3,000.00 (extra for installation) to \$2,000.00.

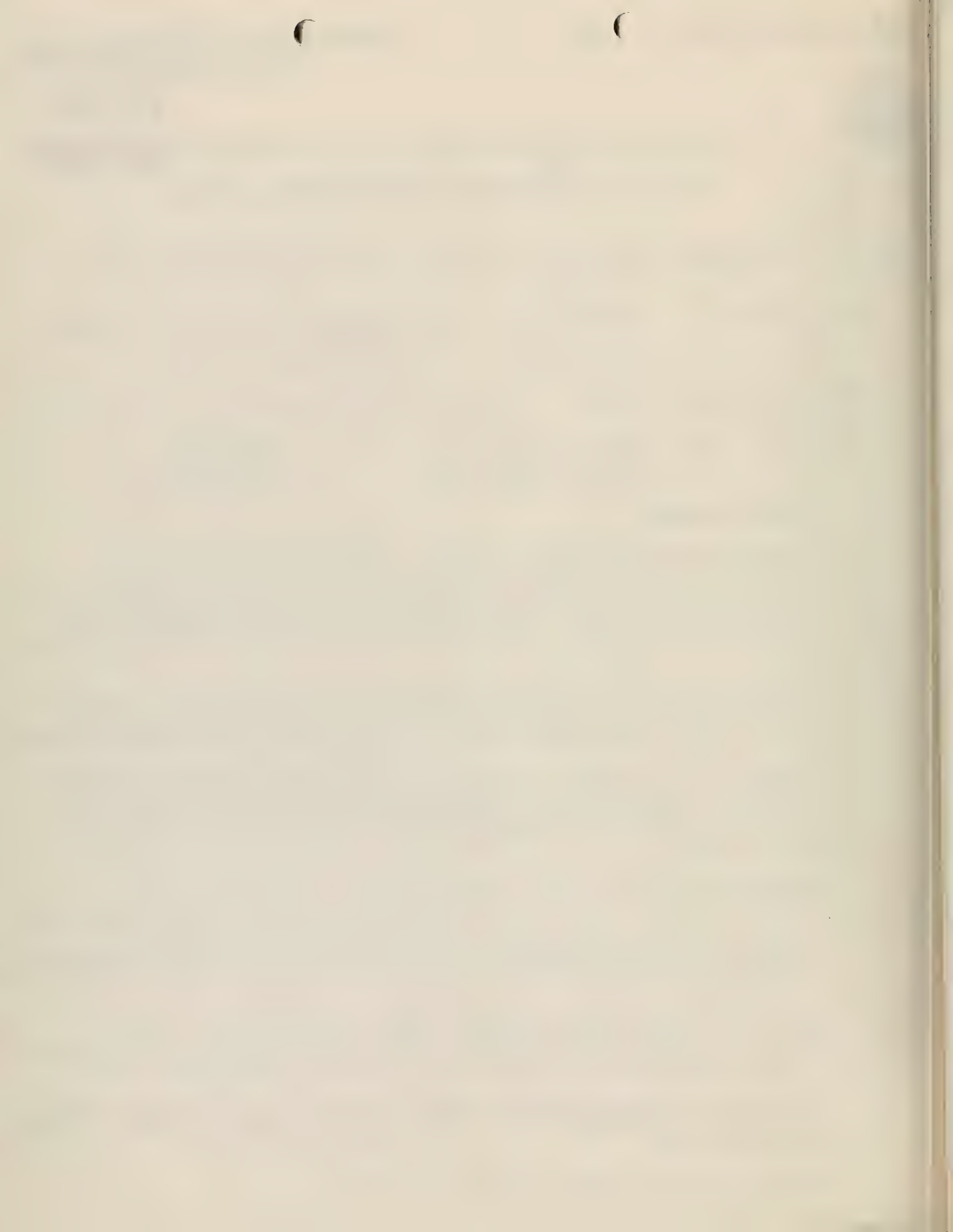
Office: The \$700.00 per month figure is calculated from \$300.00 for Xerox rental and supplies, \$70.00 per month for rental of two typewriters, and \$330.00 per month for supplies.

Rent: The current rent is \$320.00 per month. As of September 1, 1980, this figure was doubled with the intention of moving into the quarters of the Charter Commission as they will be vacating their first floor space August 31, 1980.

Board Fees: The Board fees have not been at the maximum as allocated at \$750.00 per month per Commissioner. A more accurate figure is \$750.00 per month or \$150.00 per Commissioner.

Postage: Postage is figured at \$300.00 per month.





Hearing Officers: Fees to Hearing Officers are now being paid at the rate of \$30.00 per hearing. The current schedule includes 25 hearings per week. In addition, a new procedure for consideration of appeals was approved. This involves Hearing Officers reviewing and recommending to the Board whether or not to accept or not to accept an appeal. This would be compensated at \$20.00 per hearing. If the appeal is accepted, the same Hearing Officer would sit in on the appeal and write the decision of the Board for a fee of \$20.00 per case.

The Rent Board discussed the lack of minority representation among Hearing Officers. The Executive Director was directed to actively recruit Black Hearing Officers.

Accounting: The Mayor's Office handles accounting for the Rent Board and has asked for a fee for this service. An initial fee of \$750.00 was requested and is part of the current operating budget. For the future budgets, this fee would be required at \$150.00 per month.

Printing: Outreach will be a major focus of the Rent Board. Therefore, a budget is needed to print new brochures, information, fact sheets, and forms.

- V. Calendar Items: Regular Board Meeting on Thursday, March 6, 1980 at 4:30 p.m..  
Appeal- 976-978 Valencia St.- Thursday, March 13, 1980  
at 4:00 p.m.. To be heard de novo (4-0).
- VI. Adjournment: The meeting was adjourned at 8:00 p.m..





## PROPOSED BUDGET FOR THE SAN FRANCISCO

## RESIDENTIAL RENT STABILIZATION AND

## ARBITRATION BOARD

1980-1981

\*\*\*\*\*

	7/1/80-6/30/81 12-month	10/1/80-6/30/81 9-month
<u>SALARIES</u>		
Executive Director	\$25,853	\$19,887
Administrative Assistant	14,988	11,529
Senior Clerk Steno	12,258	9,429
Clerk Typist	10,729	8,253
	<u>\$63,828</u>	<u>\$49,098</u>
Frings	\$15,957	\$12,275
Telephone	4,800	3,600
Office Supplies/Equipment	8,400	6,300
Rent	7,680	5,760
Board Fees	18,000	13,500
Law Students	4,800	3,600
Postage	3,600	2,700
Hearing Officers	38,400	28,800
Accounting	1,800	1,450
	<u>\$167,265</u>	<u>\$127,083</u>
Printing	12,000	9,000
*****		

\$179,265

\$135,983

BUDGET (Feb-Mar, 1980)BUDGET (April-Sept, 1980)

Salaries	\$7,156	<u>Salaries</u>	
Unemployment Insurance	57	3-month	\$11,629
Student (\$100/student/mo.)	300	fringes	2,907
Telephone (\$400/mo.)	800	3-month	12,210
Office (\$700/mo.)	1,400	fringes	3,053
Rent (\$320/mo.)	960		<u>\$29,799</u>
Board Fees (\$1500/mo.)	4,500	Law Students	\$2,400
Postage (\$300/mo.)	600	Telephone	2,000
Hearing Officers (\$600/wk.)	6,000	Office Supplies &	
Accounting	750	Machines	4,200
	<u>\$22,523</u>	Capital	
Printing	2,500	Improvements	4,000
	<u>\$23,523</u>	Office Furniture	1,000
		Rent	1,920
		Board Fees	9,000
		Postage	1,800
		Hearing Officers	20,100
		(\$600/wk.-hearings)	
		(\$600/mo.-Board)	
		Accounting	900
			<u>\$77,119</u>
		Printing	10,000
			<u>\$87,119</u>





≡ Minutes of the Regular Meeting of the San Francisco

Residential Rent Stabilization and Arbitration Board

on Thursday, March 6, 1980, from 4:30 p.m. - 7:35 p.m.

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- I. Call to Order: The meeting was called to order at 4:40 p.m. by President Cole-Chu.
- II. Roll Call: Commissioners present: Cole-Chu, presiding; Flynn, Baird, Lathan, and Saunders.  
Guests present: Jim Lazarus, Gil Brigham, Bob Shepphard.  
Staff present: Donna Solomon, John Blackburn

- III. Disclosure Statement: This document is required annually, by April 30, when the Statement is approved by the Board of Supervisors. From that approval, there is 30 days in which to file the initial report.

The Board's primary concern in this statement is:

- a) does any member of this Board have an interest in rental property;
- b) is there an interest in a Business with rental property; and
- c) is there an interest in a Business that does business with this Board.

A motion was made, seconded, and carried that: The Executive Director forward the Disclosure Statement to the San Francisco Board of Supervisors for approval. (5-0).

- IV. Amendments: The proposed amendments to the Ordinance will not be heard this Monday before the Board of Supervisors. Supervisor Ward needs more time to explore the issues involved. There are two master amendments incorporating all ideas from the Rent Board and Supervisor Britt.

There was some discussion on the amendments.

A motion was made (Baird), seconded, and carried that: A letter be forwarded to the Clerk of the Board of Supervisors noting Item 11 on the proposed 28 amendments is incorrect, and was not recommended by the Rent Board. (5-0).

- V. Director's Report: There is a new process on appeals. Instead of two Commissioners reviewing and recommending, a Hearing Officer can do it. Two cases have been assigned to Hearing Officers for their review and recommendations. They are as follows:  
D. J. Soviero- 3111 Jackson  
Herb Schwartz- 37 Mirabel





- VI. Consideration of Appeals: 3111 Jackson: Clarification of issues:  
1 adult with no children. Tenant marries. Landlord  
wants to evict for breaking lease or pay \$600./non.  
Is the additional tenant a material breach of the agreement?

A motion was made, seconded, and carried that: Deny the appeal (5-0). The landlord has not shown material breach by the additional tenant.

37 Mirabel: 3 issues: jurisdiction, storage;  
the reduction of, and are children considered persons leading  
to additional rent increases. The Hearing Officer recommends  
denying the appeal, because the landlord claimed that the  
building was owner-occupied. The landlord lives in the Basement  
and moved in Jan. 14, 1980. The Hearing Officer states  
that the landlord is illegal occupant.

A motion was made (Flynn), seconded (Lathan), and carried that: Deny the appeal (4-0).

- VII. Discussion on Appeal Review Process: Conclusions of Law must show that  
jurisdiction is applicable. More detailed overview of the  
particular case is necessary. Written comments should be  
submitted before the Board meets. Commissioner Baird rec-  
ommends that the Hearing Officer Manual have a section on this.  
Commissioner Baird volunteered to write this section.

- VIII. Minutes: Regarding the minutes of Thursday, 2/28: there is a lack of mention  
of the lack of black/minority Hearing Officers for this Board.

A motion was made (Baird), seconded, and carried that: The minutes be a part of each  
meeting. The minutes of the previous meeting should be approved/discussed at the  
beginning of the meeting. (4-0).

Corrections: Minutes of 1/14; "Acting President" should be Commissioner  
1/15; "Acting President" should be Vice-President

A motion was made (Lathan), seconded, and carried that: All minutes should reflect  
all actions/motions taken by this Board. (3-0).

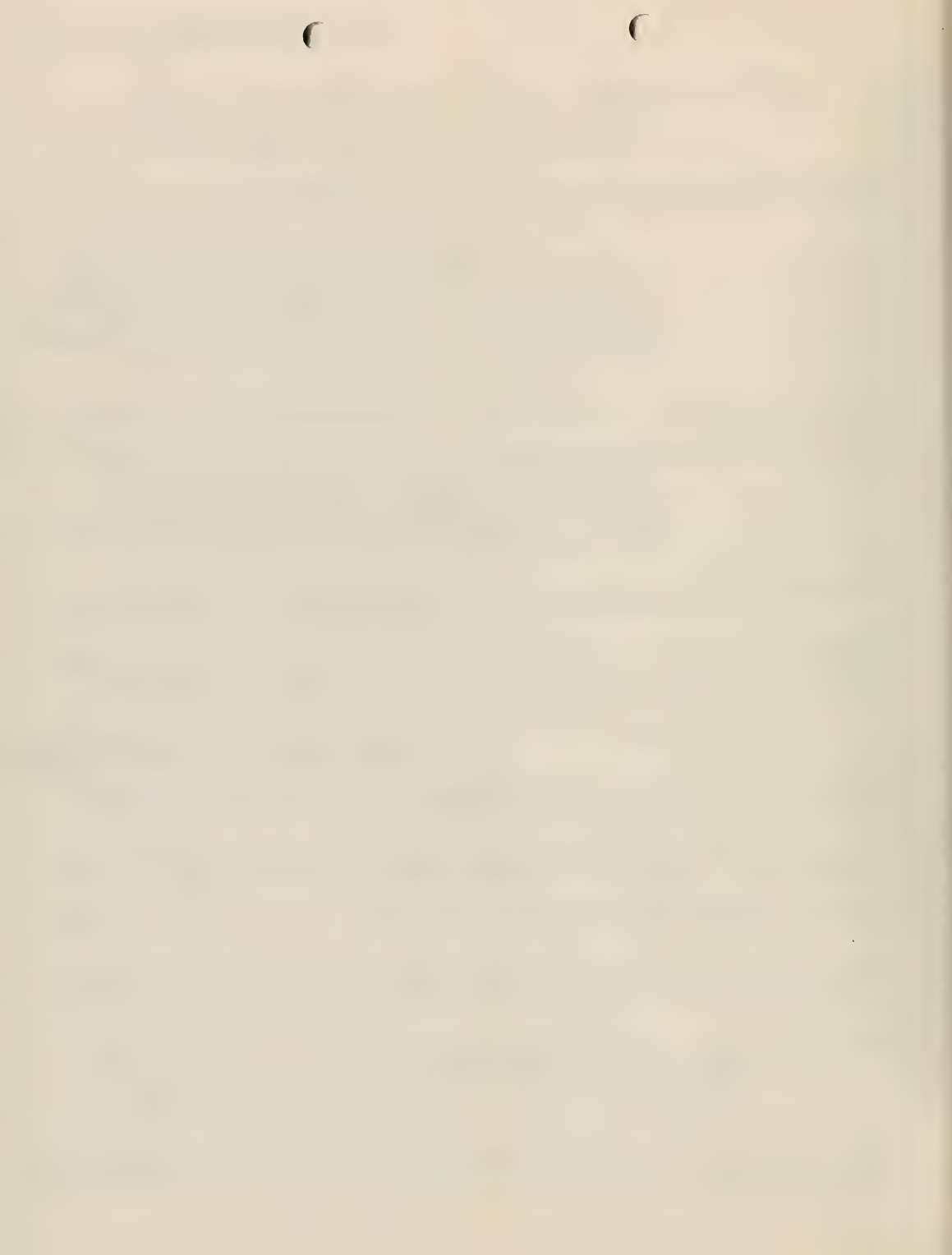
Commissioner Lathan moted the lack of discussion of minority Hearing Officers in the  
minutes of 2/28. The minutes should be corrected to reflect this issue.

A motion was made (Cole-Chu), seconded, and carried that: Defer the minutes of 2/28  
until the next Board meeting. (3-0).

Commissioner Baird commented on the object of the minutes; why the votes are taken.  
The minutes should give a sense of what the meeting is all about; convey a sense of  
what went on.

- IX. New Business: Commissioner Lathan raises the issue of the hiring of black  
Hearing Officers. The Executive Director has spoken with other  
Hearing Officers, Golden Gate University, and Charles Houston Law  
Association.

A motion was made (Lathan), that the Executive Director hire two black Hearing Officers  
within the next week. Commissioner Baird expressed concern about the arbitrary number  
and the time limit.



A motion was made (Baird), seconded (Lathan), and carried that: The Executive Director nominate by 3/13 at least 2 black Hearing Officers who are qualified to serve on this Board's panel of Hearing Officers. The effort to do this will be discussed at the meeting of Thursday, 3/13 at 5:00 p.m.. (3-0).

Commissioner Baird expressed his concern about the telephones. This is the most important part of the entire process. The Board should have quality control over how the phones are answered.

A motion was made (Baird), seconded (Lathan), and carried that: The Executive Director be instructed to report on what steps are being taken to insure quality control on the phones/walk-in clients. This report should be delivered within one month. (3-0).

Minutes: Approve en masse but allow for changes to be made; exclude minutes of 2/29.

A motion was made (Baird), seconded (Lathan), and carried that: the minutes be approved with the exception of 2/28, with changes to follow from the President of the Rent Board. (3-0).

X. Report from Gil Brigham: Mr. Brigham is here, at the request of the Mayor, to audit the Rent Board's operation.

XI. Adjournment: The meeting was adjourned at 7:25 p.m..





Minutes of the Special Meeting of the San Francisco  
Residential Rent Stabilization and Arbitration Board  
on Thursday, March 13, 1980, from 4:00 p.m. - 8:05 p.m.

\*\*\*\*\*

- I. Call to Order: The meeting was called to order by President Cole-Chu at 4:00 p.m..
- II. Roll Call: Commissioners present: Cole-Chu, Presiding; Flynn, Hernandez, and Lathan.
- III. Appeal De Novo: 976-78 Valencia Street:

A motion was made, seconded, and carried that: The Board has jurisdiction to hear the appeal which was received nineteen (19) days after the Findings of Fact and Conclusions of Law were mailed. (4-0).

- III. Calendar Items: President Cole-Chu recommended scheduling regular meetings on the first and third Thursday and the second and fourth Tuesday of each month.

- IV. Adjournment: The meeting was adjourned at 8:05 p.m..

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## City and County of San Francisco

Residential Rent Stabilization and  
Arbitration BoardSAN FRANCISCO  
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Minutes of the Special Meeting of the San Francisco Residential  
Rent Stabilization and Arbitration Board on Tuesday, March 18,  
1980, 5:30 p.m.

\*\*\*\*\*

I. Call to Order:

The meeting was called to order by President Cole-Chu at  
5:30 p.m..

II. Roll Call:

Commissioners present: Cole-Chu, Presiding; Lathan, Hernandez  
Commissioners absent: Saunders  
Commissioners excused: Flynn

The President of the Board informed the Board that Commissioner  
Flynn did not receive notice of this meeting.

Commissioner Lathan questioned the payroll methodology for Commissioners  
Does the time begin with the start of the meeting or at the time that  
the meeting is scheduled to begin?

III. Communications:

One Communication has been received by the Board. The letter is  
an appeal on a decision that has yet to be rendered. After 5  
hours of attempts to conciliate, the hearing in question was  
continued. The tenant complained that the Hearing Officer was  
biased. The Executive Director will follow-up.

Commissioner Cole-Chu suggests sending back the \$10.00 filing  
fee as there has been no hearing yet.

IV. Director's Report:

1. The Conflict of Interest Form has been sent to the Clerk  
of the Board of Supervisors. It will be heard before the  
Governmental Services Committee of the Board of Supervisors  
on April 3, 1980. Jim Lazarus, of the City Attorney's Office,  
will be present for this. The Clerk of the Board will notify  
us of the next steps to be taken.

2. A memorandum has been forwarded to the Clerk of the Board  
of Supervisors regarding Item #11 on the Summary of the Pro-  
posed Amendments pending before the Board of Supervisors.

Commissioners requested copies of all memorandas. This will be part  
of the Communications section on the Agenda.

3. The Amendments to the Ordinance will be heard before the  
Board of Supervisors on March 24, 1980.

4. Staff up-date: Julie Grimes, an intern from University





of California-Berkeley, will be starting on a work-study program with the Board, for 8-10 hours per week. She will mostly work with the public.

Four law schools have been contacted for work-study students interested in working with the Board. Alan, our work-study student from Golden Gate University, is doing the scheduling of hearings. A possible project for another student is the indexing of hearing decisions.

5. Carol Norris of the Urban League, was contacted by the Executive Director regarding their housing contract with the City. There is a possibility that the Board may co-sponsor landlord/tenant workshops with the Urban League.

There was some discussion on the O.C.D. funding of 4 community-based housing groups that provide landlord/tenant information/assistance.

6. The Hearing Officer Handbook: There has been input since the first draft. This Thursday, consultants will meet with the President to discuss the handbook. Jim Lazarus will help write the amendments into the Ordinance section. The contract is completed and requires signatures.

V. Minutes:

MSC: To approve minutes for February 28, March 6, and March 13 (Hernandez/Lathan; 3-0). Amended to add that hearing on 976-78 Valencia Street was heard to conclusion and the Board continued the matter for a future vote(for minutes of March 13, Item #3).

Commissioner Cole-Chu suggested that it is appropriate to have the minutes on appeal hearings also.

The minutes of the Board meetings should reflect the basic highlights of the meetings. Person taking minutes shall be directed to add to the minutes information that is to be included at the request of a Commissioner.

MSC: That there be minutes for all meetings and all actions be recorded in the minutes (Hernandez/Lathan; 3-0).

VI. Minority Hearing Officers:

Executive Director reported on progress of outreach. New minority Hearing Officers have sent their resumes.

Plans are being drawn for an April(possibly 2nd week)orientation on the Hearing Officer process, format of the hearings, Ordinance substance, and scheduling of hearings. Notices of the Orientation Session will be sent to candidates obtained from community sources.

Some applications have been received from non-attorneys. Contact has been made with the Community College District regarding classes on arbitration.



There was some discussion on whether Mr. Gil Brigham, acting in the capacity of Hearing Officer for this Board, is in a conflict of interest. The Controllers Office is already reviewing this issue.

FOR AGENDA FOR NEXT MEETING: American Arbitration Association training session for Board Commissioners.

VII. Reconsideration of Appeal Decision; 96 Crestline Drive:

Letters have been received from both the tenant(s) and landlord requesting clarification on the Findings of Fact. There appears to be an error in the findings, regarding whether the effective date of the increase is to begin (March 1, 1980 or from original notice of rent increase).

MSC: Table Issue, (Hernandez/Lathan; 3-0), until a majority of the Commissioners voting on 96 Crestline Drive are here.

FOR AGENDA FOR NEXT MEETING: Commissioners needed to be present are: Cole-Chu, Saunders, Bell, and Baird.

VIII. Advisory Opinion on 11%:

Commissioner Hernandez suggested that the President of the Board send a letter to the City Attorney specifying the letter of the law regarding the 11%.

MSC: Table Issue until later meeting. (Lathan/Hernandez; 3-0).

MSC: The Board, at a regularly scheduled meeting, shall approve all Decisions on Appeal before mailing the Findings to the parties involved and being made public. (Lathan/Hernandez; 3-0).

IX. Adjournment:

The meeting was adjourned at 7:05 p.m..





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL  
RENT STABILIZATION AND ARBITRATION BOARD ON Thursday, April 3,  
1980 from 4:05 p.m. to 6:40 p.m.

\*\*\*\*\*

I. Call to Order:

The meeting was called to order by President Cole-Chu at  
4:05 p.m..

II. Roll Call:

Commissioners present: Cole-Chu, Presiding; Flynn, Hernandez,  
Saunders, Baird(Alternate)

Commissioners absent: Lathan, Bell(Alternate), Neves(Alternate)

III. Approval of Minutes of March 25, 1980:

MSC: Minutes approved(Hernandez/Saunders;4-0).

Discussion; On Commissioner attendance and how that is reflected  
in the minutes. Each Commissioner shall be listed; principals  
first and alternates last.

IV. Communications:

A group of letters from the Board of Supervisors was received  
that fall under our jurisdiction.

- 1) a letter from the Clerk of the Board regarding the referral  
of constituents to their District Supervisor.
- 2) a letter from Winnifred McCarthy of the Apartment House  
Owners Association of San Francisco requesting clarification  
on the C.P.I., to be computed and publicized by the Rent  
Board.

Discussion; On referring constituents to the Board of Supervisors.  
Staff of the Rent Board should handle these concerns as they  
relate to the Ordinance and the Board's functions; referrals to  
the Board of Supervisors are discouraged. The Executive Director  
is instructed to inform staff not to refer constituents to the  
Board of Supervisors.

Commissioner Hernandez requested that a letter to the Clerk of  
the Board be written in response to the constituent referral  
letter received by the Rent Board. This response is to be  
prepared by the Executive Director and signed by the President  
of the Rent Board.

- 3) a letter from Bob Curran, a Hearing Officer, who is  
researching rent controls and eviction controls.





- 4) a letter from the National Law Housing Project who is also researching rent control and eviction controls.
- 5) a letter from Supervisor Carol Ruth Silver with her written comments to the amendments proposed by the Rent Board. Her comments are as follows: a) she does not want Real Estate Department Certification required; b) she does not want to eliminate the landlord's right to appeal the Rent Board on the Certification from the Real Estate Department; c) she endorses private cause of action against the landlord; d) commented on the Rent Board's power to sue for injunctions; and e) opposed penalties for collaboration with the landlord with regard to evictions.

The President of the Board is to draft a thank you letter to Supervisor Silver for her comments.

- 6) Contract for Hearing Officer Handbook: the contract has been sent to the Civil Service Commission for approval. This item is on their agenda for 4/7/80 at 2:00 p.m..
- 7) A letter from Richard Totter, re: an appeal to the Rent Board. His ten dollar check was returned. He is now requesting a transcript of the hearing.

Discussion: On the request for transcripts. The Rules and Regulations of the Rent Board deal with this request. The Rent Board is required to make tape available for transcription but not necessarily provide transcription.

#### V. Consideration of Appeals:

A) 611 Minna Street #9(landlord/tenant cross-appeal):  
 This appeal was reviewed by Hearing Officer Brian Stubbs. A notice of rent increase was followed by a notice to terminate tenancy, for repairs to the apartment. The apartment is in need of repairs. Department of Public Works ordered landlord to repair building(carpet, plastering, sink, etc.). Landlord claims that tenant won't allow anyone into her unit. The guideline increase allowed is 13%. Landlord sought 18%. Hearing Officer allowed 13%. The essence of the tenant appeal was that he denied telling all factors of concern to her and felt she was being discriminated against because she is Filipino. A language problem existed at the hearing. Tenant had a dispute over the length of the tenancy(she had moved out and then moved back in in 3/78). The landlord did not bear the burden of proof regarding improvements that have not, it appears, taken place. The landlord failed to justify the rent increase for increases in operating and maintenance expenses. The Hearing Officer recommends the appeal be denied.

MSC: Deny both appeals(Saunders/Flynn;4-0).

MSC: A letter be sent to the landlord and tenant explaining the notice of appeal denial and specify the back rent amount that is due and method for payment thereof, with § cites from the Rules and Regulations and Ordinance (Hernandez/Saunders;4-0).



- B) 2225 Leavenworth: Landlord died recently and did not attend the hearing. The appeal is submitted from his son. This issue is capital improvements. The steam heating system was converted to electric. The tenant stated that no discussion was done on who pays for the work. The work in question was completed and paid for before the effective date of the Ordinance. The tenant paid \$500.00 per month for 1979. The only policy issue is the capital improvements done before the effective date of the Ordinance. The Ordinance does not allow for direct pass-through of the \$2600.00 to the tenant.

The President suggested that the Rent Board accept the appeal and remand it for a new hearing. There was some discussion on this. Commissioner Hernandez suggested that the appeal should be heard before the Rent Board.

MSC: Accept the appeal on capital improvement completion date issue. There was some discussion on this. The motion failed 3-1, Commissioner Hernandez dissenting.

MSC: Accept appeal and remand to same Hearing Officer for a new hearing (Flynn/Saunders; 3-1 w/Hernandez dissenting).

- C) 1686 Great Highway: The tenant appeared and the landlord did not. This appeal was reviewed by Andrea Lewin, who reviewed the record, listened to the tape, and reviewed the response from the Hearing Officer. The issue is whether the building is 4-unit owner-occupied and 4-unit non-owner-occupied, or 8-unit owner-occupied. The question of the jurisdiction of the Rent Board was never raised by the landlord. The landlord stated in his letter that he would not show up because it was "not worth it." Landlord letter has contradictory statements. The tax statements show 2 separate buildings, situated on lots #24 and #25. These tax receipts are new evidence the landlord wishes to introduce in this appeal. Does the Rent Board want to take the appeal on the question of jurisdiction in light of the non-introduction of this issue at the hearing and the lack of objection from the landlord in the letter to the Rent Board/Hearing Officer. The Hearing Officer response doesn't see tax statements as admissible on this appeal.

There was some discussion on whether the building is 4-units in 2 separate buildings or one 8-unit building.

MSC: Accept the appeal de novo to determine jurisdiction. The notice shall so state that the Rent Board will only consider evidence in the issue of jurisdiction (Flynn/Saunders; 3-1 with Commissioner Hernandez dissenting).

#### VI. Director's Report:

- 1) Response to Commissioner Lathan's three issues and Commissioner Baird's issue of quality control: Of the current roster of Hearing Officers, there are 64 active;



of these, there are 1 Black, 2 Asian, 2 Hispanic, and 20 of the 64 are women. 14 speak Spanish, 1 speaks Cantonese, 2 speak Tagalog, and there are 10 other languages. One Hearing Officer is trained in sign-language.

The Orientation for new and old Hearing Officers will be held on Thursday, April 10, 1980, from 5:30 p.m. to 8:30 p.m. in the Basement Conference Room at 170 Fell Street. Letters have been sent to new candidates, of which 9 are Black, 6 are Asian, 2 are Hispanic, and of the 17, 8 are women. The Executive Director, The Rent Board President, Pat Lee, and Jim Lazarus from the City Attorney's Office will be present to moderate the Orientation.

Discussion: Non-legal candidates will need some extra attention. Further discussion on payment for training. The Rent Board did contract for the Hearing Officer Handbook but not training or tutorial aspects. Commissioner Hernandez offered to speak at the Orientation.

- 2) request for a list of appeals: 50 total; 2 settled, 14 accepted, 28 denied, and 6 remanded to Hearing Officers.
- 3) flow-chart on appeals: all appeals have been heard and/or decided. Only 976-78 Valencia requires a decision.
- 4) quality control: Commissioner Baird requested clarification on this at the March meeting. There are currently 4 areas being implemented to assure quality control:
  - a) staff meetings on a regular basis; to assure uniformity in information going out to the public. Staff meetings are held on Monday at 5:00 p.m..
  - b) telephone logsheet/check-list now in use by staff.
  - c) Executive Director meets individually with each staff member to get "in-staffs'-own-words" what information is going out to the public.
  - d) written information is placed by each phone, re: 11%. The Executive Director is developing more information for the telephones.
- 5) The Executive Director visited the Rent Board in New York City. The Rent Stabilization Association is a body that all landlords in New York City belong to, and is the only such body in the City. Dues are paid, based on the number of units in each building. 850,000 units are covered by rent stabilization; 350,000 units are covered by rent control. The Association budget is \$4.5 million and has a staff of 40 people.

The Conciliation and Appeals Board is the official New York City body, with a staff of 140. They have different forms for the various complaints that come through their office. Their funding comes from the Rent Stabilization Association.

Commissioner Hernandez requests that a letter be sent to the Mayor requesting the Rent Board appointments to fill vacancies.





VII. Old Business:

- A) 976-78 Valencia Street Appeal Decision: Commissioner Saunders was excused from voting on this appeal because he was not present at the appeal hearing. Materials submitted from both sides have been reviewed. The President suggested that the guideline amount be given. The landlord has not borne the burden of proof for increases over the guidelines. One of the most complicated appeals submitted to date re: the number of issues involved.

There was discussion on the landlords' time to come to the Board and express his case. Commissioner Hernandez stated that after reviewing the case, the original findings were sound and valid. The landlord did not justify the rent increases above the guidelines. Commissioner Flynn stated that the landlord had made an attempt to justify the increases. The comparable issue submitted by the landlord utilized market value rents as comparables. The landlord is appealing only on the debt service.

There are four issues on this appeal:

- a) requests a change in rents to a reasonable level to cover the mortgage;
- b) demands for cleaning deposits;
- c) demanged tenant/landlord relations; and
- d) expenses valid; landlord seeks recovery.

The landlord seeks consideration for appliances. The Building Inspectors report said that hearing facilities were inadequate. The tenants all complained about roaches. Those complaints were forwarded to the manager who informed the landlord. In terms of decreased services, the pest control was stopped in May, 1979, prior to the purchase by the new owner. Pest Controls had been re-instated.

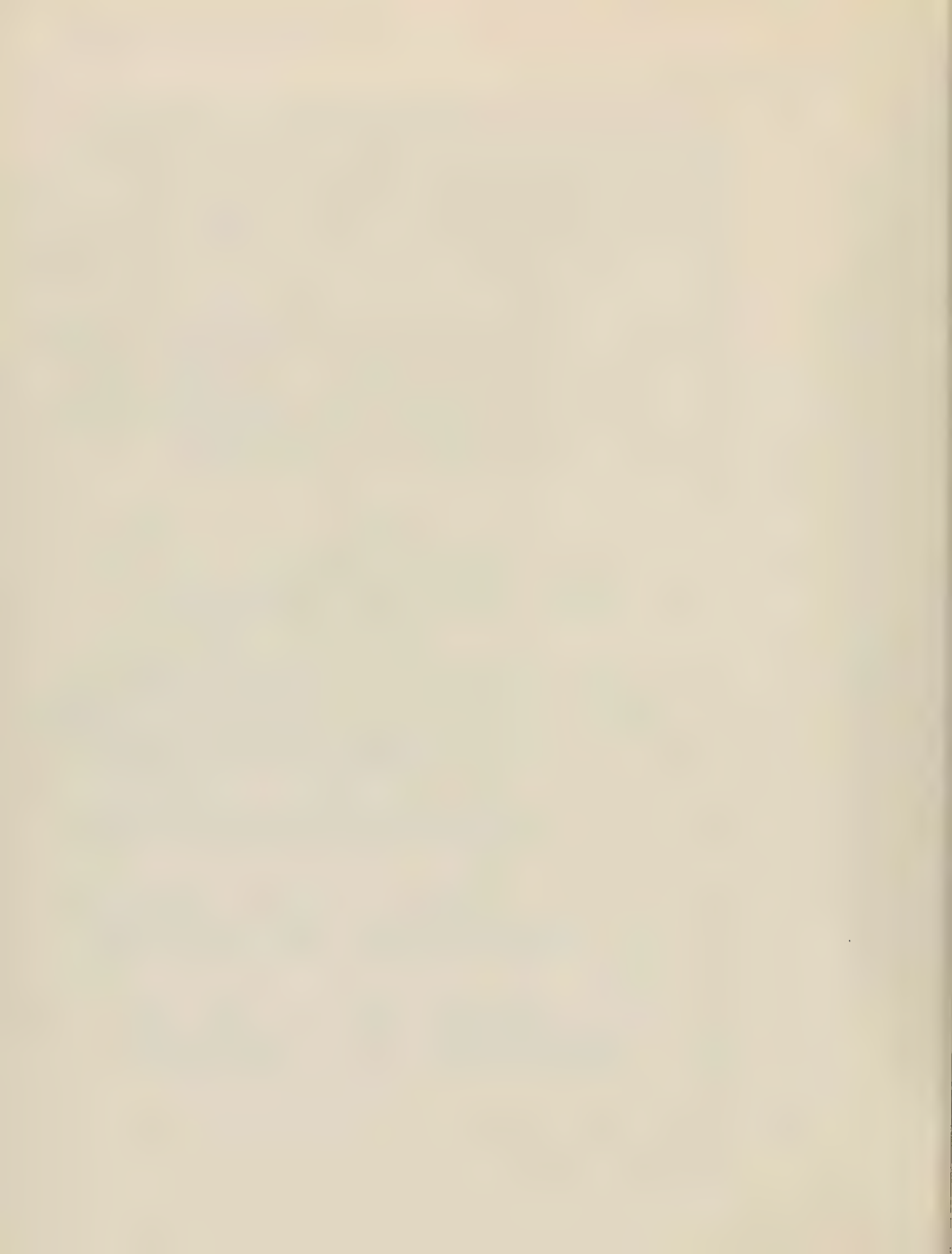
Steven Shapiro of the San Francisco Tenants Union raised the issue of the demand for security deposits; this constituted a rent increase.

Tenant Rosales, not present at the hearing, entered into an agreement with the landlord. Landlord claimed that tenant not covered in this action. Other tenants argue on her behalf. Rent Board agreed to consider her with other tenants.

Tenants had not borne the burden of proof that any decreased services existed. The Rent Board has until April 12, 1980 to decide this case. This matter is to be considered at the meeting of April 8, 1980 at 5:00 p.m..

MSC: Postpone decision until April 8, 1980 at 5:00 p.m.  
(Hernandez/Flynn:4-0).





VIII. Regular Meeting Days:

Matter was put over until April 8, 1980 meeting.

Commissioner Saunders would not be present at the April 8, 1980 meeting but expressed his support for meetings to be held each Tuesday at 5:00 p.m.

IX. Adjournment:

MSC: The meeting was adjourned at 6:40 p.m. (3-0)

All matters not considered at this meeting will be heard at the meeting of April 8, 1980.





NOTICE OF THE SPECIAL MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday, April 8,  
1980, at 5:00 p.m.

## AGENDA

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APR 8 1980

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The meeting was called to order by President Cole-Chu  
at 5:10 p.m..

II. Roll Call:

Commissioners Present: Cole-Chu, Hernandez, Flynn, Saunders  
(Alternate), Baird (Alternate)

Commissioners Absent: Lathan, Bell (Alternate), Neves (Alternate)

III. Minutes:

Minutes will be approved at the meeting of April 15, 1980.

IV. Communications:

- 1) Statistics: The statistics for the April report were  
sent to the Mayor and the Board of Supervisors.

Discussion: There have been an increase in the number of  
petitions filed from units in the Mission District. The larger  
buildings in this area are filing with the Rent Board. There  
has been a significant increase in the number of petitions  
filed. The recent statistics sent to the Mayor and Board of  
Supervisors should reflect the statistical cut-off point as  
April 4, 1980, not March 4, 1980.

- 2) Civil Service Commission: The Hearing Officer Handbook  
contract has been approved.

V. Director's Report:

- 1) The Orientation for new Hearing Officers is set for  
Thursday, April 10, 1980, from 5:30 p.m. to 8:30 p.m. in  
the Basement conference room at 170 Fell Street. Presentations  
will be made by President Cole-Chu, Donna Solomon, Pat Lee,  
and Commissioner Ric Hernandez.

The agenda for this Orientation is as follows:

- 1) introduction of Board/staff
- 2) process of hiring
- 3) briefing on amendments
- 4) overview of Ordinance
- 5) staff processes/office



- 6) anatomy of a hearing:  
procedures
  - 7) written decisions
  - 8) questions/answers
  - 9) appeals
- 2) Status of Amendments: There are two amendment packages before the Board of Supervisors. The first was tabled by Supervisor Britt for not being strong enough. The second was passed 6-5 and included recommendations from the Rent Board and Supervisor Britt. Items include vacancy de-control, landlord petition for increases beyond 7%. An amendment by Supervisor Silver was introduced that would 1) extend the life of the Ordinance to November 30, 1980; 2) deal with Board fees; 3) assure cases be assigned to a Hearing Officer 2 days after the petition is filed; 4) decision rendered within 30-days after the petition is filed; and 5) keep 7% guideline. The Board of Supervisors will consider these amendments next Monday (second reading).

Supervisor Louise Renne introduced an emergency amendment to limit rent increases to 7% in a 12-month period; deletes the CPI clause of the Ordinance. This passed 9-2. Rumors have it that this is to give the Mayor an out. It assures protection for tenants should the other amendments not pass. It would take 8 out of 11 votes to over-ride the Mayor's veto.

- 3) Housing Policy Group: At their recent meeting, they decided to recommend to the Mayor that the 11% remain in effect. The Rent Board's position is to act now...

## VI. Old Business:

- 1) American Arbitration Association: Commissioner Lathan requested that the Executive Director contact the Association about training for Board members. The Executive Director also spoke with the Administrative Law College about training for Rent Board Commissioners/Hearing Officers. They are funded by the federal government. The cost to the Rent Board would only be for materials; labor is donated.

Discussion: The Board discussed whether or not there was a need for this type of training. The "how-to" of conducting an appeal hearing may be of greater help to Hearing Officers, rather than Board members.

The Executive Director was instructed to draw up a list of proposals on budget, logistics, etc., noting options available.

- 2) Approval of Forms: Improvements have been developed over the existing forms being used by the Board. Commissioner Cole-Chu added to the tenant petition a place for rent history; including the past three increases.

MSC: Adopt the forms (Flynn/Saunders:4-0).





3) Regular meeting days:

MSC: Adopt Tuesdays at 5:00 p.m. (Saunders/Hernandez:4-0).

The Executive Director was instructed to send out a notice of the special meeting, 10-day notice, to amend the Rules and Regulations before the next monthly meeting.

Appeals: Other locations are available for large appeal hearings. These locations include: 170 Fell (Basement) and the Board of Permit Appeals (Basement of City Hall).

The meeting of April 22, 1980 will be for discussion and amendment to the Rules and Regulations. The meeting of April 29, 1980 will be for appeals.

VII. New Business:

- 1) Budget: The budget has been forwarded to Ray Sullivan of the Mayor's Office, for release of funds for the period of the present to September, 1980.

VIII. 976-78 Valencia Street Appeal:

Discussion was held on the Appeal of the aforementioned address. The following rents will be effective November 1, 1979:

studio	#102	\$125.00
1-BR	#103	\$178.50
1-BR	#104	\$150.00
1-BR	#203	\$140.00
studio	#206	\$130.00
1-BR	#301	\$150.00
studio	#302	\$135.00
1-BR	#304	\$186.50
1-BR	#305	\$135.00
studio	#306	\$160.50

No security deposits shall be demanded.

IX. Adjournment:

The meeting was adjourned at 7:10 p.m.





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NOTICE OF THE SPECIAL MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, April 15, 1980, at 5:00 p.m.

\*\*\*\*\*

I. Call to Order:

The meeting was called to order by President Cole-Chu at 5:10 p.m..

II. Roll Call:

Commissioners Present: Cole-Chu, Presiding; Lathan, Bell (Alternate), Baird (Alternate), Neves (Alternate)  
Commissioners Absent: Flynn, Hernandez, Saunders

III. Communications:

1) A letter was received from Deputy Mayor Hadley Roff in response to the letter he received from President Cole-Chu regarding appointments to the Rent Board.

IV. Director's Report:

1) Swearing in of new Commissioners scheduled for Thursday, April 17, 1980, at 11:30 a.m. in the Mayor's Office, Room 200 in City Hall.

2) Hearing Officer Orientation: On Thursday, April 10, 1980, an Orientation was held for new Hearing Officers. President Cole-Chu, Donna Solomon, Commissioner Ric Hernandez, and Pat Lee were present. Twelve candidates were present; one dropped out. Of the eleven present, there were seven blacks and four asians. Of the 7 blacks, five were women; of the 4 asians, there was one woman. Eight candidates turned in payroll cards. Candidates must sit in on at least three hearings before doing their own.

Commissioner Lathan raised the issue of the hiring process, and there was some discussion on this.

3) Hearing Officer Handbook: The contract was approved by the Civil Service Commission. It has been forwarded to the Controller for signature.

4) American Arbitration Association: In-depth training programs are available; approximately 20 hours. Half of this time is spent on mediation techniques. The cost would range from \$1500.00 to \$2000.00 for a group (approx. 60 people).

The Administrative Law College was discussed. It is a new entity with faculty time being donated. They have available four tapes



(30-45 minutes each) for listening, followed by group discussion. Costs would be for materials only, as labor is donated. Discussion centers around evidence and how to conduct a hearing.

Discussion was centered around the need for this training for Board members and/or Hearing Officers. Costs were also discussed.

Several Commissioners suggested other resources in the community that could serve the needs of the Board. University of California at Berkeley and Chabot College were suggested.

The Executive Director was asked to calendar for a future meeting a list of options available to the Board, with costs, references, etc. for each option.

#### V. Consideration of Appeals:

- A) 243 Collingwood: This appeal was reviewed by Wilbur McMinn. A divorce of the parties concerned led to a property settlement wherein the tenant(ex-wife) was allowed to reside in the apartment for \$300.00 per month for five years. The landlord(ex-husband) wants \$500.00 per month. Tenant willing to pay \$357.00 (19% increase) plus 10% for increased costs. Both tenant and landlord agreed that comparable rents in the same general area could exceed \$500.00 per month.

The Hearing Officer raised the issue of a policy question that was felt to be relevant to the Board. The Rent Board may want to consider the expiration of the lease as part of a property settlement agreement. At the end of the five years, the tenants' interest in that settlement ends.

MSC: Deny the appeal; uphold the Hearing Officer(Baird/Bell:4-0).

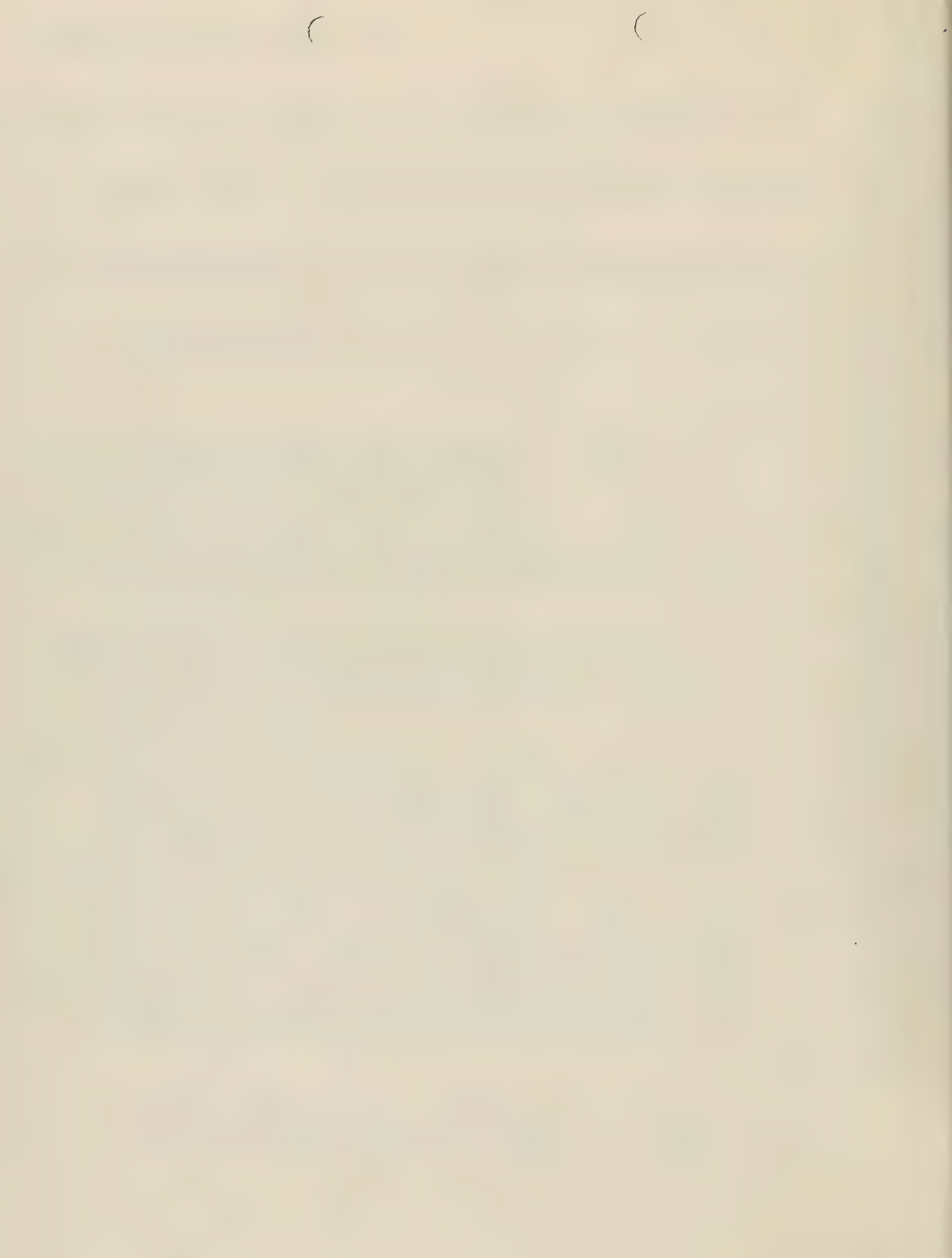
- B) 1165 Francisco #2: This appeal was reviewed by Martin Lerner. Four other tenants settled with the landlord, with graduated increases over the next six-months. Two additional cases are pending at this address. Debt Service and comparable rents are the issues addressed in the appeal.

MSC: Appeal Accepted; Case remanded for rehearing, to original Hearing Officer if possible, along with other units in the same building. The Hearing Officer is instructed that evidence of market rents for similar units in the same general area is not conclusive on the issue of comparability, within the meaning of the Ordinance, but such evidence is relevant and should be considered. (Baird/Bell:3-1).

#### VI. Old Business:

- 1) Amendments to the Ordinance: One issue Rent Board has not discussed is the amendment to require landlords to file with the Rent Board for any increases over 7%.

Commissioner Baird expressed his opposition to this amendment.



2) Other proposed Amendments: Security Deposits may be the next target for rent increases.

There was some discussion on this and the President was requested to informally inquire with the City Attorney about the Rent Board's power to regulate security deposits.

3) Hearing Officer Hiring Process:

MSC: Executive Director to accept candidates as Hearing Officers for the Residential Rent Stabilization and Arbitration Board (Lathan/Bell:4-0). A friendly amendment was added that accepted the candidates, and deemed them ready after sitting in on one hearing and reviewing the findings of that hearing (includes orientation attendees plus Leon Waki).

MS: Executive Director to install a program for Quality Control for Hearing Officers for this Board, both old and new (Baird/Cole-Chu:2-2 with Bell and Lathan dissenting). Motion failed.

The Executive Director is to notify all Hearing Officer candidates that they have been accepted.

#### VII. New Business:

MSC: Put over discussion/position on Proposition 10 until the next meeting (Cole-Chu/Baird:4-0).

#### VIII. Calendar Items:

For the meeting of April 22: Changes in the Rules and Regulations  
For the meeting of April 29: Appeal on 1686 Great Highway

#### VIII. Adjournment:

The meeting was adjourned at 8:40 p.m.





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MINUTES OF THE SPECIAL MEETING OF THE SAN FRANCISCO RESIDENTIAL  
RENT STABILIZATION AND ARBITRATION BOARD ON Tuesday, April 22,  
1980 from 5:05 p.m. to 8:05 p.m.

\*\*\*\*\*

I. Call to Order:

The meeting was called to order by President Cole-Chu at  
5:05 p.m..

II. Roll Call:

Commissioners Present: Cole-Chu, Presiding; Flynn, Hernandez,  
Lathan, Saunders, Payne(Alternate)  
Commissioners Not Baird(Alternate), Bell(Alternate), Neves  
Present: (Alternate)

III. Minutes:

There was some discussion on the method of indicating presence  
and/or absence of the Commissioners.

MSC: List Commissioners as PRESENT/NOT PRESENT(Hernandez/Lathan:  
5-0).

MSC: Approve Minutes as amended.(Hernandez/Saunders:5-0).

MSC: Move to consideration of appeals.(Cole-Chu/Lathan:5-0).

IV. Consideration of Appeals:

1) 1111 Pine Street: Reviewed by Peter Quittman. Reviewed  
files, findings, and tape. Hearing conducted well. Only issue  
is whether damage done to apartments can be construed as decreased  
services. Two units in the building damaged by a fire in August  
of 1977. If premises are not habitable, California Civil Code  
§1942 provides relief. Landlord has repairs ongoing. The Hearing  
Officer who reviewed this case recommended the appeal be denied.  
The basis of the appeal is that the tenant claimed the landlord  
had failed to maintain the unit, giving rise to decreased services.  
A policy issue the Board may wish to consider is whether building  
maintenance can be construed as housing services.

MSC: Deny the appeal.(Flynn/Saunders:4-1 with Cole-Chu dissenting)

There was some discussion on the Hearing Officer who stated that



reduction in services could only be relevant if it occurred after receipt of notice of rent increase.

2) 577 14th Avenue: Reviewed by John Vos. Employment and gardening issues not mentioned in original hearing. The appeal issue is that the landlord suggested a lack of evidence to support finding that there is a gardening issue. Employee/Employer issue was raised by the landlord's attorney, who stated that the Board has no jurisdiction over this issue.

MSC: Deny the appeal (Flynn/Hernandez:5-0).

#### V. Communications:

1) Letter to the Mayor from Regina Lee, re: 1351 Stockton St.. The sub-lessor's relative wrote regarding rent increases due to the sub-lessors' increased rent. Now the sub-lessor cannot pass on the increase. All parties involved are Asian. The Commercial lease under which this building is carried increased 80%. Tenants have all filed with the R.R.S.A.B..

2) Letter from an individual regarding a condominium conversion. The letter questioned whether the R.R.S.A.O. superceeds the Condominium Ordinance.

MSC: Send letter stating that we have insufficient information to issue an advisory opinion at this time. (Flynn/Lathan:5-0)

#### Outgoing Communications:

1) Letter to Gil Boreman, Clerk of the Board of Supervisors regarding the Board's response to a letter from the Board of Supervisors.

2) Letter to Winnifred McCarthy regarding a letter sent to the Board of Supervisors (7% v. 11%).

3) Claim filed in Small Claims Court for a refund of the filing fee by W. P. Garner; letter sent to the City Attorney.

#### VI. Director's Report:

1) Rent Board has its first lawsuit. The landlord, Steven Arian, is suing to overturn the Board's appeal decision. The appeal in question was denied. The suit was forwarded to the City Attorney. Hearing Officer was Zak Taylor.

2) Dalt Hotel: Zak Taylor was the Hearing Officer. The record was left open until April 21, 1980 for briefs from both sides. The Health and Environment Committee of the Board of Supervisors had a hearing on this matter on April 22, 1980.

3) Advisory Opinion on Decreased Services was drafted by Commissioner Baird.

MSC: Adopt this Opinion as formal Advisory Opinion of the Board. (Cole-Chu/Flynn:5-0).



The Advisory Opinion on Decreased Services will be available for Commissioner signatures at the meeting of April 29, 1980.

4) City Architect visited 170 Fell Street, Room 37 to make recommendations. He will return on Friday, April 25, 1980 with a consultant to make further recommendations.

VII. New Business:

A) 976-78 Valencia Street Appeal: Two tenants included in this decision have reached an agreement with the landlord.

1) Reconsideration of Security Deposits: Board voted no increased security deposits. To mitigate rent increases over the guidelines and due to the retroactivity of the rent increase, the Board waived security deposits. The landlord asked for guidance on the security deposit issue.

MSC: Two tenants at 976-78 Valencia Street who had reached an agreement with the landlord shall be deleted from the decision (Flynn/Hernandez:3-0).

MSC: Amend minutes of the meeting of April 8, 1980 to indicate the vote of the Commissioners as (Flynn/Hernandez:3-0). (Flynn/Hernandez:3-0).

MSC: Postpone Rules and Regulations until next meeting on April 29, 1980. (Flynn/Saunders:5-0).

VIII. Old Business:

1) Proposition 10:

MSC: Opposing the "Fair Rents" Constitutional Amendment which will be on the June ballot and memorializing the voters of California to defeat it.

WHEREAS, a statewide constitutional amendment limiting the powers of local government to enact rent control has qualified for the June, 1980, ballot; and,

WHEREAS, this initiative would be inflationary by encouraging rent increases every year by the full increase in the national Consumer Price Index; and

WHEREAS, this initiative would take away from San Francisco the power to deal effectively with its rental housing crisis; therefore, be it

RESOLVED that the San Francisco Residential Rent Stabilization and Arbitration Board for the City and County of San Francisco strongly opposes this initiative and urges voters to defeat this initiative at the polls in June, 1980.

(Hernandez/Saunders:4-1 with Flynn dissenting)

2) Security Deposits:





Under California Civil Code, a landlord can amend with a 30-day written notice the security deposit to reflect current rent paid. This amount cannot exceed two months for an unfurnished apartment and three months for a furnished apartment.

There was some discussion on the issue of security deposits becoming a problem in the future. No action was taken at that time on this issue.

3) Amendments to the Ordinance:

Supervisor Ward said that she would withdraw her vote for the Britt package of rent Ordinance amendments. She will be developing her own package to be introduced before the Board of Supervisors within the next few weeks. Supervisor Lawson introduced an amendment of the whole incorporating the amendments proposed by the Rent Board. It passed 9-2. This action was taken based on amendment suggestion by the Rent Board in the memorandum of February 26, 1980. Second reading before the Board of Supervisors will take place on Monday, April 28, 1980.

There was some discussion on 30-day notice. §827 of the California Civil Code states that the rent increase goes into effect 30-days from receipt of the notice.

IX. Calendar Items:

- 1) 1686 Great Highway Appeal.
- 2) Rules and Regulation changes.
- 3) Amended agenda for next meeting to reflect approval of decision on Valencia Street Appeal Decision and the Advisory Opinion on Decreased Services.
- 4) Amendments to the Ordinance.

MSC: Change the Rules and Regulations to reflect meetings on each Tuesday of the month at 5:00 p.m. at 170 Fell Street, Room 37. (Hernandez/Saunders:4-0).

X. Remarks from the Public:

Commissioner Payne, new Alternate Commissioner for the Landlord position expressed concern about the Board not reaching out with information to ethnic communities. Information should be disseminated in Spanish, Cantonese, etc. There was some discussion on this.

XI. Adjournment:

The meeting was adjourned at 8:05 p.m..



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MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD on Tuesday, April 29, 1980 at 5:00 p.m.

\*\*\*\*\*

I. Call to Order:

The meeting was called to order by President Cole-Chu at 5:15 p.m..

II. Roll Call:

Commissioners Present: Cole-Chu, presiding; Flynn, Hernandez, Lathan, Saunders, Alternate: Payne  
Commissioner Not Present: Alternates: Baird, Bell, Neves

MSC: Move on to the appeal consideration (Cole-Chu/Hernandez:5-0).

III. Consideration of Appeals:

1) 5401 Diamond Heights Blvd: This appeal was reviewed by Hearing Officer Susan Bloom. Issues of this appeal are: 1) landlord requested rent increase to cover increased debt service, operating and maintenance expenses, as well as capital improvements. Issues herein were presented by oral testimony only. Evidence on comparables was presented by a page of advertisements from the newspaper. A smoke detector cost was also requested for consideration. The policy question for the Board to review is the Hearing Officer's interpretation of Rules and Regulations §6.10 (a) regarding property taxes. The Hearing Officer reviewing this appeal recommended that the appeal be denied. If the appeal is accepted, it should be on the record, as this is complete.

MSC: Move to Deny the appeal (Flynn/Hernandez:5-0).

2) 1458 Sutter Street: This appeal was reviewed by Hearing Officer Bob Sheppard. The primary issue of this appeal was "owner-occupied" exemption. Landlord maintains office on the first floor, landlord's daughter lives on the second floor, and the tenant-petitioner lives on the third floor. The Hearing Officer who originally heard the case found that the Rent Board lacked jurisdiction because of the owner-occupied exemption. Contradictory evidence was found in the record of the hearing. The Hearing Officer determined that the landlord seeks to evict the tenant for repairs to the unit. The increase in rent is to speed up the eviction process. The policy question for the Rent Board is what constitutes owner-occupied. The Hearing Officer reviewing this appeal recommended that the Rent Board accept the appeal and grant a denovo hearing (because the tapes are barely audible and because questions of fact and questions of witness credibility are in issue).



MSC: Accept the appeal De Novo (Hernandez/Flynn:4-1 with Saunders dissenting).

Discussion: Landlord has the justification to evict for substantial rehabilitation, but stated that he wanted to move into the unit. The Rent Board may wish to take this appeal to determine landlord residency. Hearing Officer who originally heard the case did not allow testimony from the Redevelopment Agency representative. Reference was made to the Board's decision on 2465 Washington, which dealt with the landlords residency.

- 3) 1404 Sacramento Street: This appeal was reviewed by Ralph Coffman. Tenant petitioned for a rent increase. A hearing was scheduled but the tenant did not appear and stated no justification for not showing up. The issue at hand is the installation of a hot water heater in the tenant's flat causing the tenant to pay for the heating of water which service had previously been paid for by the landlord. Tenant also claimed that other services were reduced by the installation of the aforementioned hot water heater. The tenant had filed an appeal before the decision from the original hearing had been rendered. This appeal was returned to the tenant, pending the outcome of the hearing. The policy questions for the Rent Board to consider are:
- a) is it appropriate to establish a procedure for the selection of Hearing Officers;
  - b) is it appropriate to establish a procedure regarding notification to those requesting continuances of rejection of request;
  - c) is it appropriate to establish a procedure for discovery; and,
  - d) when a reduction in services is instituted by a landlord, can it be raised by the tenant when the landlord subsequently institutes a maximum increase pursuant to the guidelines.
- The Hearing Officer reviewing this appeal recommended the Board accept the appeal and remand it to another Hearing Officer, to be heard de novo.

MSC: Deny the Appeal (Flynn/Hernandez:4-1 with Hernandez dissenting)

#### IV. Approval of the Minutes of April 22, 1980:

MSC: Minutes Approved as amended (Hernandez/Flynn:5-0).

Discussion: What information is necessary for the minutes to reflect the discussion on each appeal before the Board.

- a) who reviewed it
- b) what are the issues
- c) policy questions
- d) hearing officer recommendations
- e) vote of the Commissioners

#### V. Communications:

- 1) A letter was received from Lynn Schilling (Mutual Investments) regarding the 824 Hyde Street appeal hearing. Requested



that reconsideration be given to a new appeal hearing.  
This communication shall be scheduled for the next meeting  
for reconsideration.

VI. Community Outreach:

- 1) bids requesting bus advertising layout and design have been sent.
- 2) mailing to community organizations, religious groups, etc.
- 3) Public Service Announcements for radio and T.V..
- 4) New Brochure for the Rent Board.

Information shall be translated into Spanish and Cantonese.

VII. Appeal: 1686 Great Highway

MSC: The Board found that they had no jurisdiction.

Vote: 4-1 with Commissioner Hernandez dissenting.

VIII. Old Business:

- A) Memo to Hearing Officers (ATTACHED)

MSC: Approve and send(Flynn/Hernandez:5-0).

- B) Valencia Street Appeal Opinion

MSC: Approve with corrections and send(Hernandez/Flynn:5-0).

- C) Training: After a brief discussion, it was decided to postpone a decision.

IX. Adjournment:

The meeting was adjourned at 8:25 p.m..





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MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD ON Tuesday, May 6, 1980 at 5:00 p.m.

\*\*\*\*\*

I. Call to Order:

The meeting was called to order by President Cole-Chu at 5:15 p.m..

II. Roll Call:

Commissioners Present: Cole-Chu, Presiding; Flynn, Hernandez, Lathan, Alternate: Payne  
Commissioners Not Present: Saunders, Alternates: Baird, Bell, Neves

III. Approval of the Minutes of April 29, 1980:

Copy of the memorandum to Hearing Officers regarding decreased services should be attached to the minutes of April 29, 1980.

MSC: Amend Minutes of April 29, 1980 to include in VIII (A), (ATTACHED). (Flynn/Payne:4-0).

MSC: Approve the Minutes as amended (Flynn/Payne:4-0).

IV. Communications:

- 1) Correspondence was received regarding 765 Geary Blvd. Two elderly tenants were asked to vacate without reason. Letter of protest sent to Mayor. Property in question managed by Milton Mack, Associates.
- 2) A thank you letter to the Executive Director from the Center for Learning in Retirement for her speaking engagement at their meeting.
- 3) Correspondence was received from Wallace Wortman at the CCSF Real Estate Department regarding a continuance of a certification application, at 1875 California Street.

V. Director's Report:

- 1) Press Conference was held on May 6, 1980 at 10:00 a.m. at the Rent Board office. Commissioners Cole-Chu and Flynn were present to discuss the Board's opposition to Proposition 10. Channel 4, KNBR, KGO, KYA, and the Examiner attended. KSFO came in later in the day to discuss the issue.
- 2) List of appeals to date included in each Commissioner's file.
- 3) Mayor Feinstein has selected the Tenant Alternate; her name is Jan Vurek. The swearing in date will be announced.



- 4) KBRG requested a statement from the Rent Board in Spanish. This request was referred to Commissioner Hernandez.

#### VI. Consideration of Appeals:

- A) 3440 24th Street #3: Reviewed by Donna Solomon. The tenant petition was not timely filed. The Hearing Officer did not rule on the rent increase issue. The policy question is whether the Board would consider waiving the filing date. Reviewing officer recommended denying the appeal.

Discussion on the defective notice of rent increase, and the late filing by the tenant.

MSC: Accept the Appeal and hear it De Novo (Lathan/Flynn:5-0).

Discussion on the notice being less than thirty-days. Error on the part of the Hearing Officer, re: rent increase date, and other procedural defects. The Board may want to look at the jurisdiction and merits of the case.

- B) Reconsideration of 824 Hyde Street Appeal: Issue of proper notice for a rent increase. Notices were not valid; no rent increase allowed until proper notice is sent. This case had been appealed and the Board denied #8 and remanded #3.

MSC: Deny the appeal (Flynn/Hernandez:3-2 with Payne and Lathan dissenting).

MSC: A letter is to be sent to the appellant with a clear/concise statement on the denial of this appeal. This letter or statement should indicate that the Rent Board reconsidered the appeal. Upon recommendation, the appeal was denied for apparent failure to comply with §1162 of the Civil Code of Procedures as required by California Civil Code §827. (Hernandez/Payne:4-1 with Lathan dissenting).

Discussion: The letter is to be drafted by the Executive Director and approved by the President.

#### VII. Old Business:

- A) Amendments to the Ordinance: These are still up in the air. All the amendments to the Ordinance have been sent back to the Planning, Housing, and Development Committee of the Board of Supervisors. The Definitions section was voted on by the Board of Supervisors and approved; all remaining amendments sent to Committee.

§37.2 (Definitions): CHANGES:

- 1) duration of hotel exemption for occupancy is lowered from 60 days to 32 days.
- 2) Owner-Occupied exemption now requires the owner to live on the premises for six months.



- 3) Tenant includes subtenant approved by the landlord.

The Planning, Housing, and Development Committee of the Board of Supervisors meets on Tuesday, May 20, 1980, at 2:00 p.m. to consider the package of amendments.

- B) Training: A number of proposals have been received. One of them is from the Administrative Law College. This was in reference to Saturday, May 31, 1980 training seminar. The New College of Law at 50 Fell Street has space available for the seminar. The only cost to the Rent Board is for supplies and refreshments.

MSC: That the Rent Board engage the Administrative Law College to hold training sessions on June 14 or June 7 (if possible). If not possible, then May 31, 1980 would be alright. The Rent Board will incur expenses for supplies and refreshments. (Hernandez/Payne:5-0).

MSC: Executive Director to explore possibilities of training in mediation and conciliation and submit a package of alternatives to the Board (Hernandez/Flynn:4-1 with Hernandez dissenting).

#### VIII. New Business:

- A) Training for the agenda of May 13, 1980.
- B) Commissioner Flynn expressed his objection to the Press Release issued by the Rent Board for the press conference on May 6, 1980. The press release was written by Dave Brigade of the S.F. Tenants Union. Commissioner Cole-Chu commented that the press conference was scheduled for May 6, 1980 without clear communication between Rent Board and Citizens Against Initiative Fraud as to the exact date. Commissioner Cole-Chu acknowledged dissatisfaction with the language used in the press release and apologized to the other members of the Rent Board for the failure to insure that the press release was approved before mailing. He stated that he did not, because of the scheduling of the press conference without confirmation with him or the Executive Director, see the press release before it was sent out. Commissioner Cole-Chu stated that while he is strongly opposed to Proposition 10, he is very aware of the non-political purposes of the Rent Board and would have used different language in announcing the Board's position on Proposition 10.
- C) Commissioner Payne discussed the conversion of residential property into commercial use in the Mission District. A \$200.00 per month residential unit becomes a \$1500.00 per month commercial unit. Some of these conversions are done to accommodate mental health centers. Commissioner Payne suggested that the Rent Board consider a Resolution opposing this conversion activity.

#### IX. Adjournment:





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MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD ON Tuesday, May 13, 1980 at 5:00 p.m.

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I. Call to Order:

The meeting was called to order by President Cole-Chu at 5:10 p.m..

II. Roll Call:

Commissioners Present: Cole-Chu, Presiding; Hernandez, Lathan, Saunders, Alternate: Bell, Payne  
Commissioners Not Present: Flynn, Alternates: Baird, Neves

III. Consideration of Appeals:

1) 1476 Valencia Street: Reviewed by Bill Brauer. The landlord of this 20-unit building is disabled and has a court-appointed conservatrix. She is requesting a rental increase because the building does not produce sufficient income to meet the landlord's living expenses. The landlord lacks other sources of income. There were two issues: 1) the court order and the landlord hardship, and 2) the rent increases. A court order was issued to the conservatrix to raise rents to legally permitted amount so that the property could provide sufficient funds for the operation of the property and the support of the landlord. The reviewing officer recommended accepting the appeal on the record, to consider the hardship on the landlord, the court order to raise rents, the landlord's other assets, and comparable rents.

MSC: Deny the appeal and uphold the Hearing Officer's decision (Saunders/Lathan:5-0).

2) 750 Guerrero Street: Reviewed by Rick Judd. The principal justification for raising the rents in this 9-unit building is debt service and the reassessment of property taxes. Comparable rents were also an issue.

There was some discussion on the landlord seeking pre-collection of raxes before the reassessment took place and what constituted market rents.

MSC: Deny the appeal and uphold the Hearing Officer's decision (Saunders/Hernandez:5-0).

IV. Approval of the Minutes:

MSC: Approve the minutes as amended(Hernandez/Saunders:5-0).



V. Communications:

Included in the Director's Report.

VI. Director's Report:

- 1) Received a copy of a letter sent to Supervisor Renne regarding 7700 Geary Blvd. This building was recently sold. The 17 new owners are evicting all the tenants for their own use. The Citizen's Housing Task Force sent a letter to the tenants suggesting they fight the evictions by securing the services of attorney, and also asked the City Attorney for an opinion. Informally, the City Attorney responded that this type of eviction is legal.

Some discussion was held on what constitutes owner-occupied.

- 2) The Hearing Officer Handbook is completed and available for the Commissioners review.

VII. Approval of Appeal Decision: 1686 Great Highway

MSC: Approve the decision as drafted (Saunders/Hernandez:5-0).

VIII. Old Business:

- A) Training: A letter to Hearing Officers has been sent informing them of the Evidence/Hearing Procedures Seminar to be held on June 14, 1980, from 9:00 a.m. to 5:00 p.m. at 50 Fell Street. This seminar is being put on by the Administrative Law College. Other training alternatives were also presented.

MSC: Executive Director to request that the first three alternative representatives come to make a presentation before the Rent Board with a 10-15 minutes presentation about their training programs. Their coming to the Rent Board does not indicate an obligation on the part of the Rent Board. (Saunders/Bell:4-1 with Hernandez dissenting).

- B) Amendments to the Ordinance:

The Board of Supervisors referred Supervisor Ward's proposal to the Planning, Housing, and Development Committee, to be heard on May 20, 1980, at 2:00 p.m.. There was some discussion on these amendments.

- C) Amendments to the Rules and Regulations:

Continued until next regular meeting.

IX. Appeal: 1458 Sutter Street: Landlord and Tenant have settled their dispute. The landlord made a brief presentation.



VIII. Continued:

- D) Discussion about the letter to Dave Brigode of the San Francisco Tenants Union.

X. Calendar Items:

- 1) Consideration of appeals should be the first item on the agenda for future meetings of the Board.
- 2) The regular meeting of the Rent Board will not be held on June 3, 1980 because of the election.

MSC: No meeting on June 3, 1980 because of the elections.  
(Saunders/Lathan:5-0).

XI. Adjournment:

The meeting was adjourned at 7:15 p.m..





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL  
RENT STABILIZATION AND ARBITRATION BOARD ON Tuesday, May 20, 1980  
at 5:00 p.m.

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I. Call to Order:

The meeting was called to order by President Cole-Chu at  
5:10 p.m..

II. Roll Call:

Commissioners Present: Cole-Chu, Presiding; Flynn, Hernandez;  
Alternates: Neves, Payne  
Commissioners Not Present: Lathan, Saunders; Alternates:  
Baird, Bell  
Staff Present: Donna Solomon

III. Consideration of Appeals:

- 1) 1747 Broadway: The rent for the unit was \$600.00 per month  
and an increase was sought of \$150.00 per month for rent  
plus \$150.00 per month for the exclusive use of the 2-3  
car garage. Landlord claimed that previous shared used  
of the garage was a gift.

MSC: Deny the appeal (Hernandez/Payne: 5-0).

IV. Minutes:

MSC: Approve the minutes of May 13, 1980 (Hernandez/Payne: 5-0).

- V. Commissioner Hernandez thanked the Board for a good year.  
He becomes part of the Mayor's staff on June 2, 1980. Commissioner  
Cole-Chu thanked Commissioner Hernandez and expressed his  
pleasure at the appointment and the fact that we will have a  
voice in the Mayor's Office.

VI. Communications:

- A) Randy Choy letters: Received regarding a gift from  
tenants which was forwarded to the Rent Board.
- B) Postpone appeal letter: Received regarding 3440 24th St.  
requesting that the appeal hearing be rescheduled to May  
27, 1980, at 7:15 p.m..

VII. Director's Report:

- A) Bus signs are being ordered to be installed July 1, 1980.  
There was some discussion about making them multi-lingual.





B) Training:

MSC: Committee be designated by the President to sit at a specially noticed meeting of the Board to meet with and discuss the training proposal. (Hernandez/Flynn:5-0).

C) Jan Vurek will be sworn in on Wednesday, May 21, 1980 at 11:30 a.m. in the Mayor's Office.

VIII. Old Business:

A) Amendments to the Ordinance: Supervisor Ward's proposal provides for banking; vacancy control with 2 1/2% per 6-month period; tenant entitled to rental history on demand; longer time for filing; written notice for eviction; require permits for substantial rehabilitation and demolition; occupancy by owners of less than 6-months constitutes illegal eviction; eliminates termination date of Ordinance until there is a vacancy rate of 4% and would thus trigger a review.

The package was forwarded to the Board of Supervisors. The vote was 2-1 with Supervisor Horanzy dissenting.

B) Rules and Regulations: Need to be drafted to comply with amendments to the Ordinance. Executive Director to contact City Attorney for drafting.

IX. New Business:

Commissioner Payne was at a meeting where three groups requesting funding from the Office of Community Development said they are overloaded by calls referred from the Rent Board. He questioned our referring calls to the Tenants Union.

MSC: That the Rent Board study for 2 weeks the policy of referring people to the Tenants Union and People's Law School (Payne/Flynn: 5-0).

X. Calendar Items:

A) Commissioners Hernandez and Payne will be speaking at a realtors breakfast on Wednesday, May 21, 1980.

B) A special meeting to be scheduled to consider Training proposals.

C) Next Commission meeting will be Tuesday, May 27, 1980, at 5:00 p.m.. There will be no meeting on Tuesday, June 3, 1980.

XI. Adjournment:

The meeting was adjourned at 6:45 p.m..





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL  
RENT STABILIZATION AND ARBITRATION BOARD ON Tuesday, May 27, 1980  
at 5:00 p.m.

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I. Call to Order:

The meeting was called to order by President Cole-Chu at  
5:50 p.m..

II. Roll Call:

Commissioners Present:	Cole-Chu, Presiding; Flynn, Saunders;
Commissioners Not Present:	Alternates: Baird, Payne, Vurek
Staff Present:	Lathan; Alternates: Bell, Neves
	Donna Solomon, John Blackburn

III. Consideration of Appeals:

- 1) 569-A 12th Avenue: Reviewed by Herb Schwartz. The tenant appealed the decision of the Hearing Officer because the notice of hearing was sent to the wrong address and tenant was never duly noticed of the hearing.

MSC: that the appeal be accepted and remanded for a new hearing (Saunders/Flynn:3-0).

An appeal was filed on another unit in the same building. This appeal involves #2(B) and is a landlord appeal for a hearing de novo. The reviewing officer recommended the Rent Board deny the appeal.

MSC: that the appeal be accepted with a de novo hearing. The Rent Board will determine jurisdiction first. (Flynn/Saunders: 4-0).

MSC: that the prior vote be rescinded. (Flynn/Saunders:4-0).

MSC: that the two appeals be combined into a single hearing to be held de novo. (Flynn/Saunders:4-0).

- 2) 1670 MoAllister: Reviewed by Dwayne Kunath. President Cole-Chu asked to be excused from voting on this appeal because of a potential conflict of interest.

MSC: that President Cole-Chu be excused from voting on this appeal due to the possibility of a conflict of interest. (Flynn/Saunders:4-0).



The tenants have filed this appeal. The landlord purchased the building in January, 1979. His refinancing led to an increase in debt service. The issue of comparable rents was also raised. Testimony on the comparable issue was considered hearsay and not admissible in the prior hearing. The policy question for the Board would revolve around debt service as a result of acquisition.

MSC: that the Board accept the appeal de novo. (Baird/Saunders:4-0).

There was some discussion on the Hearing Officer's error in considering debt service.

3) 635-69 Mason Street: Reviewed by Harold Teitler.

MSC: that the Board deny the appeal (Baird/Saunders:2-2 with Flynn and Cole-Chu dissenting).

The reviewing officer felt that the Real Estate Department should be consulted regarding Capital Improvements.

MSC: that the Board accept the appeal on the record except to allow the landlord to submit information on the interest rate. (Flynn/Saunders:3-1 with Baird dissenting).

4) 34 Turk Street (Dalt Hotel): The reviewing officer has not finished listening to the six tapes from the original hearing.

MSC: that the Board hold a meeting on June 3, 1980, at 4:00 p.m. to consider this appeal. (Saunders/Flynn:4-0).

#### IV. Approval of Minutes of May 20, 1980:

MSC: that the minutes be approved. (Flynn/Saunders:4-0).

#### V. Communications:

- 1) An invitation was received from Legal Assistance to the Elderly for a dinner on Thursday, June 5, 1980, from 5:00 to 7:00 p.m. at 633 Beach Street.
- 2) An invitation was received from the Council for Civic Unity for a dinner honoring Leo McCarthy at Grace Cathedral on Thursday, June 12, 1980.
- 3) A letter was received from Supervisor Kopp regarding a constituent concern.
- 4) A letter was received from a Hearing Officer relating to whether the landlord must appear at the hearing personally.





VI. Director's Report:

- 1) The Hearing Officer Handbook is completed and will go to the printer tomorrow.
- 2) The Rent Board has submitted a proposal to C.E.T.A. for project funds to research evictions in the City and County of San Francisco.
- 3) The Rent Board has received its second lawsuit. It was filed by Travis Campbell (1253 16th Avenue/420 20th Avenue).
- 4) Commissioner Baird will be sworn in on Friday, May 30, 1980 in the Mayor's Office at 11:30 a.m.. He will become the regular Commissioner to replace Commissioner Ricardo Hernandez who has gone on to a program manager position with the Mayor's Office.

VII. Old Business:

- 1) Amendments to the Ordinance: The Board of Supervisors has put this matter over for 1 week at the request of Supervisor Ward. Supervisor Ward has asked the City Attorney to write some additional amendments to her package.
- 2) Training: A Special Meeting of the Rent Board will be held on June 5, 1980 at 9:00 a.m. in executive session to consider training proposals.

VIII. New Business:

- 1) Progress article: There was some discussion on the way that the article was written, implying that President Cole-Chu and the Rent Board were in favor of eliminating vacancy de-control.
- MSC: that the Rent Board draft a resolution stating that the San Francisco Residential Rent Stabilization and Arbitration Board is opposed to the elimination of vacancy de-control. (Flynn/Saunders:4-0).

IX. Appeal:

3440 24th Street:

MSC: that the Rent Board has no jurisdiction because there is no valid rent increase notice to appeal. (4-0).

X. Adjournment:

The meeting was adjourned at 8:45 p.m.





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL  
RENT STABILIZATION AND ARBITRATION BOARD ON Tuesday, June 3,  
1980 at 4:00 p.m.

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I. Call to Order:

The meeting was called to order by Vice-President Lathan  
at 4:35 p.m..

II. Roll Call:

Commissioners Present:	Cole-Chu, Presiding; Baird, Flynn, Lathan, Saunders; Alternates: Payne, Vurek
Commissioners Not Present:	Alternates: Bell, Neves
Staff Present:	Donna Solomon, John Blackburn

III. Consideration of Appeals:

- 1) 34 Turk Street (Dalt Hotel): Reviewed by Bruce Lilienthal.

Two appeals have been filed on this address; one by the landlord and one by the tenants. The records reviewed consisted of 6 1/2 hours of tapes, petitions, decision, two briefs, two appeals, letter of comments from the Hearing Officer, and 1/2" of exhibits.

The thrust of the tenants' appeal is the effective date of the decrease should be from the time the petitions were filed, not from the time the findings were sent. The policy question for the Board would revolve around what date should be the effective date for increases/decreases in rent; when the services were reduced, when the petitions were filed (tenant appeal position), or when the decision was rendered.

There was some discussion about the Rent Board having no power to enforce retroactive decreases in rent.

The thrust of the landlords' appeal is the constitutional argument. The Hearing Officer interprets the law but constitutional arguments should be considered by the Rent Board's legal counsel.

The reviewing officer found that the Hearing Officer's decision was proper and correct. The policy question for the Rent Board is whether the Hearing Officer went beyond his/her jurisdiction.



The services in question in both appeals existed prior to the sale of the Dalt Hotel to Yellowfin Properties.

There was some discussion on whether all services are part of the rental agreement (mail, telephone messages, game room, etc.).

The reviewing officer found that there was a permanent decrease in services and recommended denying the appeals.

There was some discussion on the lack of evidence on debt service and comparables.

MSC: that the Board deny both appeals (Baird/Flynn:4-1 with Commissioner Cole-Chu dissenting because he wanted to accept the tenants' appeal).

2) Consideration of Appeal time extension for 340 Church.

MSC: that the Board grant a 7-day extension (Flynn/Saunders:4-0).

### III. Approval of Minutes of May 27, 1980:

MSC: that the minutes be approved (Flynn/Saunders:4-0).

### IV. Old Business:

1) Amendments to the Ordinance: The amendments have been continued one week.

### V. Adjournment:

The meeting was adjourned at 5:45 p.m..





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL  
RENT STABILIZATION AND ARBITRATION BOARD ON Tuesday, June 10,  
1980 at 5:00 p.m.

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I. Call to Order:

The meeting was called to order by President Cole-Chu at  
5:10 p.m..

II. Roll Call:

Commissioners Present: Cole-Chu, Presiding, Baird,  
Flynn, Lathan; Alternates: Bell,  
Payne, Vurek  
Commissioners Not Present: Saunders; Alternate: Neves  
Staff Present: Donna Solomon, John Blackburn

III. Old Business:

- A) Training: June 12, 1980, from 9:00 a.m. to noon,  
Commissioners Cole-Chu, Bell, and Neves and  
the Executive Director met with three groups  
to discuss recommended training proposals  
for R.R.S.A.B. Hearing Officers, Commissioners,  
and staff. Phil Zeigler and Ken Hawkins  
from the Community Board Program offered  
the best proposal to the Board. The  
proposed training program would take place  
on a Saturday and Sunday in late July and  
would cost approximately \$2,000.00. The  
training program would be geared toward  
mediation and conciliation.

MSC: that the Rent Board engage Phil Zeigler  
to provide training in conciliation and mediation for  
R.R.S.A.B. Hearing Officers, Commissioners, and Staff  
(Lathan/Payne:5-0).

LV. Consideration of Appeals:

- 1) 4446-23rd Street: Reviewed by Sam Haskins. There was  
a rent increase in August, 1979. The landlord requested  
7%. Tenant protested because of previous rent increase  
and decreased housing services(i.e.; the backyard is now  
unusable because of lumber debris). The landlord had  
appeared at that hearing, made a statement, and left.  
The tenant had planted a lawn and garden at his own  
expense(\$70.00 + 2 hours per week to maintain yard).  
Landlord testified that he had no memory of the use of





the backyard being mentioned on a blackboard in the landlord's office at their first meeting. The landlord had withdrawn the eviction notice that was part of the file.

MS.: that the Board deny the appeal (Flynn/Cole-Chu:2-3 with Baird, Payne, and Cole-Chu dissenting).

MSC: that the Board accept the appeal (Baird/Payne:3-2 with Flynn and Lathan dissenting).

- 2) 1645 Filbert Street: Reviewed by Susan Bloom. A rent increase was allowed on case #32-32. The tenant did not appear at the hearing but the case was adjudicated with three other apartments in the building. The landlord then tried to get another 7% increase arguing that the previous hearing did not include tenant Foote.

There was some discussion on the indexing of hearing decisions.

MSC: that the Board deny the appeal (Baird/Flynn:5-0).

MSC: that the Executive Director present at next weeks' meeting a budget proposal for the indexing project (Baird/Flynn:5-0).

There was some discussion on the people cost vs. computer cost.

#### V. Approval of the Minutes of June 3, 1980:

MSC: that the Board adopt the Minutes of June 3, 1980 (Flynn/Baird:5-0).

#### VI. Communications:

- 1) A letter was received from Bill Brauer (Hearing Officer) to Commissioner Cole-Chu regarding process of reviewing and/or accepting appeals. He suggested that the Rent Board's time could be better spent by accepting more appeals and spend less time deciding whether to accept or deny the appeals.
- 2) A letter was received from the City Attorney regarding three issues:
  - A) RAP loans exempt from R.R.S.A.O.
  - B) RAP loan paid off; units now covered by R.R.S.A.O.
  - C) RED uses different certification formula for RAP and R.R.S.A.B.

#### VII. Director's Report:

- 1) Telephone referrals: statistics on the last nine days have shown there to be a total of 331 referrals to various community organizations and other governmental agencies.

There was some discussion on telephone referrals and resources available.



There was some discussion on having the Executive Director explore other sources of landlord/tenant information within the City and County of San Francisco.

- 2) The Seminar on Evidence and Hearing Procedure will be held on Saturday, June 14, 1980. The program is being given by the Administrative Law College, and will take place at 50 Fell Street (New College Law School) from 9:00 a.m. to 4:00 p.m..
- 3) There was some discussion on having the Executive Director of the Rent Board appointed to the Mayor's Housing Policy Group.

MSC: that the Rent Board recommend the appointment of Donna Solomon to a seat on the Housing Policy Group (Flynn/Payne:5-0).

#### VIII. Approval of Appeal - 3440 24th Street; written by Martin Lerner.

MSC: that the Board approve the decision subject to changes recommended by the President (Baird/Flynn:5-0).

#### IX. Reconsideration of Advisory Opinion on Debt Service:

MSC: that the Board refer the Advisory Opinion on Debt Service to the President for modification of the policy directive (Baird/Payne:4-1 with Flynn dissenting).

#### X. Old Business:

- B) Amendments to the Ordinance: The second reading will be next Monday before the Board of Supervisors.

Lee Cole-Chu reviewed the current amendment to the Ordinance which is before the Board of Supervisors. It was the consensus that the President draft a letter and have it sent out to be approved at next Tuesday's meeting.

#### XI. Appeal: 569 12th Avenue

The Executive Director shall contact each attorney and ask them to notify us by Tuesday, June 17, 1980, whether or not the matter has been settled.

#### XII. Adjournment:

The meeting was adjourned at 9:35 p.m..



DOCUMENTS DEPT.  
JUN 17 1980MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL  
RENT STABILIZATION AND ARBITRATION BOARD ON Tuesday, June 17,  
1980 at 5:00 p.m.

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I. Call to Order:

The meeting was called to order by Vice-President Dorothy Lathan at 5:15 p.m..

II. Roll Call:

Commissioners Present: Cole-Chu, Presiding; Baird, Flynn, Lathan, Saunders; Alternate: Payne  
Commissioners Not Present: Alternates: Bell, Neves, Vurek  
Staff Present: Donna Solomon, John Blackburn

III. Consideration of Appeals:

- 1) 1165 Francisco Street: Reviewed by Boots Whitmer. Tenant Elsa Schultheiz is appealing the decision of the Hearing Officer. She is being represented by San Francisco Neighborhood Legal Assistance. An amendment to the appeal had been filed. There were three issues:
- a) debt service
  - b) comparables
  - c) hardship to the tenant
- On the issue of hardship, the tenant is on fixed income. 60% of her income comes from Social Security. When asked about her income at the original hearing, the tenant did not respond. On the issue of comparables; the Hearing Officer fixed \$300.00 as a comparable rent. Rent ranges for that general area were in the range from \$225 to "skyhigh".

The Reviewing Officer recommended that the rent be reduced a minimum of \$10.00.

- MS: that the Board deny the appeal (Flynn/Saunders:1-4 with Lathan, Saunders, Baird, and Cole-Chu dissenting).
- M: that the Board remand the appeal to a Hearing Officer for determination of hardship (Lathan/)
- MSC: that the Board accept the appeal on the record with exception of the tenant's income and other financial resources (Baird/Lathan:4-1 with Flynn dissenting).





- 2) 940 Jackson Street: Reviewed by Jim Clapp. There were two issues raised for a policy consideration by the Board:

- a) no conciliation attempt at the outset of the hearing, and,
- b) the Reviewing Officer discussing the case with the original Hearing Officer.

MSC: that the Board deny the appeal(Baird/Saunders:5-0).

#### IV. Approval of the Minutes of June 10, 1980:

MSC: that the minutes of June 10, 1980 be approved(Baird/Flynn:5-0).

There was some discussion on telephone referrals. This issue was raised at the meeting of June 10, 1980 by Commissioner Baird. Commissioner Baird expressed his sense of urgency with the problem of the number of calls that come to the Rent Board on landlord/tenant problems/questions that were non-rent increase related and where the Board was referring these calls to. There was discussion on the need for the Executive Director to explore resources within the City and County who can help answer these calls.

The Executive Director informed the Housing Policy Group that the Rent Board would like to expand its operation to cover other aspects of landlord/tenant relations.

#### V. Communications:

- 1) An outgoing letter from President Cole-Chu to Bill Brauer, a Hearing Officer for the Board, regarding the reviewing and accepting of appeals.
- 2) An outgoing letter from President Cole-Chu to the Mayor requesting the appointment of the Executive Director to a seat on the Housing Policy Group.
- 3) Received a copy of the notice of appeal from Ron Graybeal(case #A142-31) with a note on it requesting that the appeal hearing be rescheduled. The landlord, Mr. Graybeal, will be in Hawaii, and requested that the hearing be scheduled for July.(4446-23rd)

MSC: that the appeal hearing be continued and a hearing date be set in July. The notice to parties should state that the Appellant has waived all time limits on the appeal to the Rent Board.



VI. Director's Report:

- 1) The Seminar on Evidence and Hearing Procedure put on by the Administrative Law College was held on Saturday, June 14. It was attended by 16 Hearing Officers, 3 Commissioners, and 2 staff.

Expenses were incurred for copying of materials, rent for 50 Fell Street meeting room(s), refreshments, and lunch for the faculty.

There was discussion on the methods of conducting hearings.

Award Decisions vs. Precedent Decisions

There was discussion on the inclusion/exclusion of hearsay in the hearing process. While most of the evidence taken in hearings is hearsay, there are many (20) exceptions to this issue. Hearing Officers should be encouraged to take all evidence.

- 2) The Rent Board has contracted with Phil Zeigler for Mediation/Conciliation Training to take place July 26 and 27, 1980 from 9:00 a.m. to 5:00 p.m.. The location and details will be worked out by the Executive Director.
- 3) There are three lawsuits against the Rent Board currently in litigation.
  - a) Travis Campbell; 420-20th Avenue and 1253-16th Avenue. This case was heard by Judge Ira Brown. There was no evidence to support the decreased services at the 16th Avenue address. The decrease in services on the 20th Avenue case will be defended by the City Attorney.
  - b) Richard Totter; 1404 Sacramento Street. This case will come before Law and Motion on Monday, June 23, 1980.
  - c) Steven Arian; 1476 Guerrero Street. This case is still pending.

Commissioner Baird requested the the Executive Director invite Kathryn Pennypacker of the City Attorney's Office to attend a future meeting of the Rent Board to address the reoccurring issues from these lawsuits.

MSC: that the Executive Director ask Kathryn Pennypacker to address the Board at a future meeting on the reoccurring issues in these lawsuits(Baird/Lathan:5-0).



- 4) Indexing Decisions: The Executive Director met with Commissioner Ralph Payne and a representative from E.D.P. at City Hall, to discuss indexing hearing decisions in the computer. The indexing would be done under three categories:
- a) landlord's name
  - b) address of the case in question
  - c) issues involved

Sandra Sands and Susan Bloom, both Hearing Officers for the Rent Board, have expressed interest in working on the indexing. They may be contracted with to go through the backlog of decisions and sort out the information, whether we decide to index manually or by computer.

Commissioner Baird requested that the Executive Director follow-up on the use of the City's computer for this indexing project.

#### VII. Old Business:

- 1) Policy Directive on Debt Service - 1980-6: There was discussion on comparable rents, significant, and market vs. comparables, as well as the two step process by which landlords may prove debt service pass-through.
- a) the landlord must prove to the satisfaction of the Hearing Officer that the rents in question are significantly below market levels in the general area (at time of purchase or at hearing).

There was discussion on 25% as a figure for consideration.

- b) if a) is yes, then the landlord must prove that the rents in question are significantly below those of comparable units in the same general area.

There was discussion on market rents (which doesn't mean comparable rents).

MSC: that Commissioner Cole-Chu and Commissioner Flynn become a Committee to deal with the Debt Service Memorandum/Policy Directive (Baird/Saunders:5-0).

#### VIII. Approval of Appeals:

- 1) 569-12th Avenue: The Parties to this appeal had been granted a one week continuance pending a possible conciliation.

Commissioner Cole-Chu requested that he be excused from voting on this appeal because he was present for only part of the hearing.

MSC: that Commissioner Cole-Chu be excused from voting on this appeal.  
(Flynn/Baird:5-0).



MSC: that the Rent Board finds that 569-12th Avenue building has been substantially rehabilitated and, therefore, the Rent Board has no jurisdiction(Flynn/Baird:4-0).

IX. Old Business:

B) Amendments to the Ordinance: A letter has been sent to the Mayor from the Rent Board regarding the Ward amendments. There was discussion and some language changes.

MSC: that the letter to Mayor Feinstein from the Rent Board regarding the Board's position on the Ward amendments be approved(Flynn/Lathan:5-0).

X. Approval of Appeals:

2) 1670 McAllister Street:

MSC: that the Rent Board finds that the rent increase for Apartments #1, #3, and #5 be limited to the C.P.I. (16.6%) using the base rent of \$250.00 per month(\$291.50)(Flynn/Saunders:3-0).

XI. Adjournment:

The meeting was adjourned at 9:10 p.m..







## MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT

STABILIZATION AND ARBITRATION BOARD ON Tuesday, June 24, 1980 at 5:00 p.m.

\*\*\*\*\* 1980

## I. Call to Order:

The meeting was called to order by Vice-President Lathan at 5:10 p.m.

## II. Roll Call:

Commissioners Present: Cole-Chu, Presiding: Baird, Flynn, Lathan;  
Alternate: Payne  
Commissioners Not Present: Saunders; Alternates: Bell, Neves, Vurek  
Staff Present: Donna Solomon, John Blackburn, Julie Grimes  
Guests: Sheriff Hennessey, Sgt. Frank Hutchins

## III. Consideration of Appeals:

- A) 447 Valencia: Reviewed by Jerry Fishkin. This is a landlord appeal on the Hearing Officer's decision to reduce the rents by 10% in this Residential Hotel. The Reviewing Officer examined 4-5 affidavits and listened to 1 1/2 hours of tapes. 12 of the 44 tenants residing here are seeking a 50% reduction in their rents, alleging a decrease in housing services. In December, 1979, there was a hearing before a Hearing Officer and rents were set at that hearing. The problem within this appeal stems from Asian refugees overcrowding the hotel. The old landlord had rented to singles; the new landlord rents to refugees. There are racial conflicts involved, as well as 15 controverted issues to address.

The policy questions for the Board are: 1) what time is utilized to measure the decrease in housing services (from what date), and 2) what are the standards for granting a continuance for a hearing.

There was no evidence presented that the problems in question have actually gotten worse since the initial hearing.

MSC: that the Board accept the appeal hearing ON THE RECORD (Baird/Flynn:5-0).

## IV. Evictions:

Sheriff Hennessey and Sgt. Frank Hutchins (Community Relations Director) were in attendance to talk with the Board about how the Sheriff's Department handles evictions. Julie Grimes, a U.C. Berkeley intern working with the Rent Board, also made a presentation on her follow-up study on the number of evictions that have been processed by the Municipal Court and the Sheriff's Department.

The Sheriff's Department evicts, with Writs of Execution, on Wednesdays only. During the month of May, 1980, there were 189 writs delivered to the Sheriff; of those, only 76 were enforced.

- 1) Writ of Execution: This is usually delivered/served to the Sheriff by an attorney or clerk at Room 333 in City Hall. The Sheriff then posts a 5-day notice on the door of the unit in question within one week of the writ service. The Civil Division of the Department is divided into four units/teams that cover different areas of San Francisco. The landlord is contacted as to the time of day



fear of the landlord was also discussed.

The following is a schedule of the evictions scheduled and enforced for the time periods listed:

<u>DATE</u>	<u>SCHEDULED # OF WRITS</u>	<u>ENFORCED # OF WRITS</u>
4/2/80	39	29
4/9/80	53	43
4/30/80	40	32
5/7/80	42	36
5/14/80	37	29
5/21/80	38	37
6/4/80	27	26
6/11/80	57	47
6/18/80	54	43
	<hr/> 387	<hr/> 322 (83%)

During the Christmas season of 1979, there were 100 enforcements/writs of execution pending with the Sheriff. Only 87 were carried out.

It was noted that Glide Church provides some tenant/landlord information.

Sgt. Hutchins commented that stronger controls, vis a vis the Ordinance, will only increase the problems. There is a need for education on a City-wide basis for both tenants and landlords.

The greater number of evictions are with mid to lower income folks.

Julie Grimes made an observation that more evictions are going through the proper legal channels. The number of evictions is not up significantly. The number has increased about 7% this year. This is compared to the overall historical trend in San Francisco wherein evictions have increased at a rate of approximately 15-20% per year over the last 7-year period.

MSC: that the President of the Rent Board contact U.C. Berkeley School of Public Policy and other educational institutions to investigate the possibility of doing a methodological study of evictions and how the Ordinance has affected evictions. (Baird/Flynn:5-0).

#### IV. Approval of the Minutes of June 17, 1980:

MSC: that the minutes be approved(Baird/Flynn:5-0).

#### V. Director's Report:

- 1) Referrals: The Bay Area Urban League/Housing Counseling Service & RRSAB will set up workshops on a city-wide basis on the Ordinance and landlord/tenant relations. Other workshops are held, by appointment, at their offices, located at 510 McAllister(between Franklin and Van Ness)(431-7530). A media campaign will follow to inform the public about such workshops. These workshops are held from 7:00p.m.



the Sheriff will be there to execute the writ. The landlord is instructed to have a locksmith present to change the locks after the tenant is asked to vacate the unit.

- 2) Personal Property: The tenant has 15 days to retrieve it. The tenant is responsible for paying all storage fees. If the tenant demands to get back into the unit, this can be construed as trespassing.
- 3) If the Tenant is still in occupancy: The deputies doing the eviction are not in uniform. Sgt. Hutchins works with the Vista volunteers to assist the tenant(s) in finding temporary housing. Closer follow-up by the Sheriff's Department is done when evictions involve the blind, disabled, or deaf.

Sgt. Hutchins discussed the increased number of writs since the passage of the Rent Stabilization Ordinance. Each time a building is sold, the rent must be raised to cover the costs that the new landlord has incurred. Rent increases to low income people or people on fixed income means that there will ultimately be displacement. For most, even the 7% guideline amount is out of their financial reach.

Where there have not been many evictions in districts (i.e., Sunset, Richmond) the Sheriff's Department is starting to see them.

Request for enforcement of writs have increased. This may result from the increased awareness, speculation on buildings, etc.

There are approximately 10-15 (unofficial) evictions each month. These are done with falsified notices from the Sheriff's Department. Most senior citizens won't question the validity of these notices and move.

There was mention of the transition, especially in the Haight, wherein the gay are moving in and displacing the seniors. This is creating friction within the community. This trend is also apparent in the black community.

Temporary housing is available in some Tenderloin hotels, the Salvation Army, and Board and Care Homes.

The Sheriff's Department has a Vista program, the Senior Housing Project, which is having brochures printed for city-wide distribution.

Julie Grimes commented on her continuation of a study by Gil Bringham's Office on evictions. She continued the count of evictions (unlawful detainers) filed in the Municipal Court, and the number of writs sent to the Sheriff's Department.

Since the passage of the San Francisco Residential Rent Stabilization and Arbitration Ordinance, the number of evictions filed has remained constant. At the passage of the Ordinance, there was a 7% increase in eviction actions filed with the Municipal Court.

Gil Bringham commented on the evictions that are occurring that don't go through the proper channels. Without the necessary documentation, there is no way to account for the numbers. The issue of tenants'







to 9:00 p.m.. The workshops are geared to the 10 most frequently asked questions about tenant/landlord relations. The people doing the workshops are not lawyers. The Office of Community Development is providing funds for this project.

There was discussion on the need for the Rent Board to expand internally and for the Executive Director to explore additional community resources available for tenant/landlord relations.

MSC: that the Executive Director write a proposal on budgetary and staffing issues for internal expansion of the Rent Board to provide more information on landlord/tenant information and that this report be brought to the Board in two weeks (Baird/Payne:5-0).

- 2) Lawsuits: The Rent Board will meet on July 1, 1980, at 4:00 p.m. for an Executive Session to discuss current litigation with the City Attorney (Kathryn Pennypacker).

The Campbell suit has gone to law and motion. The Totter suit has been continued to June 30, 1980. There is very little evidence in the file or on the tape regarding this case. The water heater installation that created a decrease in usable space is the basis of the complaint. The Arian suit has errors in the Findings of Fact, and Conclusions of Law not based on the evidence.

- 3) Indexing Hearing Officer Decisions: Electronic Data Processing in City Hall has been contacted about utilizing their computer to do the indexing. There would be a \$1200.00 one-time programming fee and a monthly cost of \$100.00 for programming and printout. Sandra Sands and Susan Bloom would like to work on this project to sort and gather the information to be fed into the computer.

MSC: that Commissioner Payne and the Executive Director bring to the Rent Board a proposal on budget/staffing for the Indexing Project in two weeks (Baird/Flynn:5-0).

- 4) Amendments to the Ordinance: The Board of Supervisors voted to table an attempt to over-ride the Mayor's veto of the Ward amendments. The Amendment of the whole, originally introduced by the Rent Board could be introduced to the Board of Supervisors on June 30, 1980.

MSC: that Supervisor Horanzy recommend that the Rent Board no longer recommends the amendment that allows the Rent Board to be able to file an action on behalf of the tenant where there has been an unlawful eviction (Flynn/Lathan:5-1 with Cole-Chu dissenting).

- 5) Conflict of Interest Code: The Conflict of Interest Code was adopted by the Board of Supervisors on May 19, 1980, effective June 23, 1980. All Commissioners and the Executive Director must file within 30-days of passage of this code. All information are public documents. The Commissioners must submit their codes to the Executive Director; the Executive Director must submit her code to the Clerk of the Board of Supervisors.



- 6) Bus Signs: The bus signs for the Rent Board will be put into San Francisco Municipal Railway buses on July 1, 1980. The contract for layout and printing was granted to THE WORKS. The sign will have information in English, Spanish, and Chinese.

VI. Decision of Appeal: 1670 McAllister-completed and ready to be sent to all parties concerned.

VII. Old Business:

- A) Amendments to the Ordinance: The Ward amendments were vetoed by Mayor Feinstein.
- B) Rules and Regulations: Revisions will be made at a future meeting.

VIII. New Business:

- A) The Rent Board is seeking new space for appeal hearings.
- B) Commissioner Lee Cole-Chu will be seen on T.V. on Monday, June 30, 1980, at 4:00 p.m. on Channel 26. He will be discussing the Ordinance and outreach for the Rent Board.

IX. Calendar Items:

- A) There will be an Executive Session on Tuesday, July 1, 1980, at 4:00 p.m. for discussion with the City Attorney, Kathryn Pennypacker, regarding litigation pending in court.

X. Adjournment:

The meeting was adjourned at 9:00 p.m..



SAN FRANCISCO  
PUBLIC RECORDSMINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD ON Tuesday, July 1, 1980 at 5:00p.m.

\*\*\*\*\*

I. Call to Order:

The meeting was call-d to order at 4:35 p.m. by President Cole-Chu.

II. EXECUTIVE SESSION:

This session was held with the City Attorney Kathryn Pennypacker, regarding litigation. She discussed the three pending lawsuits brought against the Rent Board.

MSC: That the President of the Rent Board be authorized to authorize the City Attorney to dispose of litigation filed against the Board(Baird/Lathan:4-0).

The Executive Session was recessed at 5:25 p.m., to begin the regular meeting.

III. Roll Call:

Commissioners Present: Cole-Chu, Presiding; Baird, Lathan; Alternates: Payne, Vurek

Commissioners Not Present: Flynn, Saunders; Alternates: Bell, Neves

Staff Present: Donna Solomon, John Blackburn

IV. Consideration of Appeals:

- 1) 2275-19th Avenue: Reviewed by Susan Girtler. This was a landlord petition and is an appeal by the landlord. The appeal is basically a restatement of the landlord's position, i.e., justification of a rent increase based on increased operating and maintenance costs (specifically debt service and taxes), capital improvements, and comparables. There was a lack of documentation and Commissioner Baird spoke to the need for landlords to supply the documentation to support their requests for increases above the guidelines. Recommendation: Deny.

MSC: That the appeal be denied(Baird/Payne:4-0).

- 2) 950 Franklin Street: Reviewed by Judy Brecka. A tenant appealed this decision because a utility pass-through of the entire P.G. & E. bill was allowed rather than only the increase. The policy question is the point of reference for determining increases: either one year prior to the landlord's serving notice of utility increase or the beginning of a tenant's occupancy, whichever occurs latest. Recommendation: Accept.

MSC: That the appeal be accepted and remanded for another hearing(Baird/Payne: 4-0).





- 3) 2911-16th Street: Reviewed by Harold Teitler. Landlord appealed based on debt service even though it was not raised at the original hearing and no documentation was offered. A policy question was raised as to whether an agent for the landlord can act for the landlord when the landlord has not given the Board a valid excuse for his/her absence. Recommendation: Deny.

MSC: That the appeal be denied(Baird/Cole-Chu:4-0).

- 4) 1624 Sacramento Street, Apartments 2,4,12: Reviewed by Boots Whitmer. The tenants are appealing a utility pass-through which was allowed for the entire bill, not just the increased amount. In this building, the landlord pays the gas and the tenants pay their own electricity. However, the tenant in Apartment #2 has an individual meter for electricity and gas and has no steam heat which the other tenants have. The tenant in Apartment #12 disputed the computation of the bills. The tenant in Apartment #4 disputed the months on which the increase is sought, i.e., January through April are the coldest months. Recommendation: Accept.

MSC: That the Board accept the appeals as framed by the appeals, i.e., to consider the utility-pass through(Baird/Payne:4-0).

#### V. Appeal Hearings:

- A) 1165 Francisco Street: The Board voted 4-0 to uphold the decision of the Hearing Officer.
- B) 4446-23rd Street: The Board voted 4-0 to uphold the decision of the Hearing Officer.

#### VI. Communications:

- A) Letter from Blanche Offenbacher, the landlord of 1645 Filbert Street, asking for reconsideration of an appeal that was denied. Sam Haskins will submit written comments and both parties will be notified of reconsideration.
- B) Letter from Supervisor Louise Renne to John Blackburn, Administrative Assistant, commending and thanking him for his good work.
- C) Letter from Commissioner Tom Saunders regarding P.G. & E. service changes which "presumably shows that there have been significantly fewer residential moves since the San Francisco Rent Ordinance went into effect."
- D) Letter from Donna Solomon to Supervisor Ed Lawson regarding the Board of Supervisors meeting on June 30, 1980.

#### . VII. Director's Report:

- A) Amendments to the Ordinance: Supervisor Don Horanzy called out the May 5, 1980 Amendment of the Whole and placed it on the agenda for June 30, 1980. Supervisor Carol Ruth Silver introduced one amendment. Upon motion by Supervisor Lawson, the matter was continued for two weeks.





- B) Budget: The budget for the fiscal year 1980-81 which the Rent Board submitted to the Mayor has remained relatively intact following recommendations from Harvey Rose.
- C) The Real Estate Department has submitted a new form for Certification for Rental Increases for Capital Improvements and/or Rehabilitation Work. It was approved by the Executive Director pending any objections from Commissioners.
- D) Appeal Form and Notice of Appeal are being designed. Copies were submitted to each Commissioner.
- E) New Office space is being investigated on the first floor of 170 Fell Street and in the Orpheum Building.
- F) New rooms for Commission meetings are being investigated.

VIII. Adjournment:

The meeting was adjourned at 9:40 p.m..

7/14/80:jsb





## MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD on Tuesday, July 8, 1980 at 5:00 p.m.

I. Call to Order:

The meeting was called to order by President Cole-Chu at 5:20 p.m..

II. Roll Call:

Commissioners Present: Cole-Chu, Presiding; Lathan, Saunders; Alternates: Bell, Payne

Commissioners Not Present: Flynn, Baird; Alternates: Neves, Vurek

Staff Present: Donna Solomon, Tyrone Mitchell

III. Consideration of Appeals:

- A) 725 Hyde Street: Reviewed by Harriet Sheppard. The issues raised were capital improvements, increased debt service, and comparables. Other issues included cosmetic improvements, possible breach of warranty of habitability, and failure to perform ordinary repairs. Tenant-Appellants maintained that none of the capital improvements were done to their individual units. The Reviewing Officer recommended the appeal be accepted.

MSC: that the Board accept the appeal de novo(Saunders/Bell:4-0).

- B) 350 Laguna Honda: Reviewed by Wilbur McMinn. The Landlord-Appellant based the appeal on increased debt service, comparables, and more specifically discrepancies in the Hearing Officers computation. The policy question is whether new evidence can be submitted at the appeal that was not introduced at the original hearing. The Reviewing Officer recommended that the appeal be accepted.

MSC: that the Board accept the appeal de novo(Saunders/Bell:4-0).

- C) 1310 Clayton Street #16: Reviewed by Wilbur McMinn. The Landlord-Appellant employed the tenant as the building manager. The tenant also paid a monthly sum for rent. Appellant terminated the work agreement with the tenant thereupon requesting a rent increase above the guideline. The Hearing Officer granted only the guideline increase. The appellant argued that the Rent Board lacked jurisdiction in the case, their contention being it is solely an employer-employee issue. The policy question is whether the Board has jurisdiction to decide in this case where tenant has paid monthly rental sum. The Reviewing Officer recommended that the appeal be denied.

MSC: that the Board deny the appeal(Saunders/Lathan:4-0).



IV. Communications:

- A) Letter from Tenants of 1946 Washington Street: 1946 Washington Street was recently purchased by a group of owners who are evicting the tenants to obtain the units for their personal occupancy. The tenants were seeking intervention and/or general guidance from the Board as the evictions relate to §37.9 of the Ordinance.
- MSC: that the Executive Director respond to the tenants' letter(Saunders/Lathan:4-0).
- B) Letter from Mark Saunders: Tenants Mark Saunders and Lana Scott addressed the Board in person. They had previously filed a petition for arbitration with the Board. Although a lease had been signed at a higher rent, based on the decision of the Hearing Officer, the rent increase in question was held at the guideline amount. The Landlord brought suit through the court to have the total lease voided. The tenants requested legal and/or other concrete aid from the Board.

MSC: that the Board further explore the possibility of filing an amicus curiae brief.

V. Director's Report:

- A) Litigation: The Rent Board is in receipt of court orders to set aside original decisions on two cases and schedule new hearings with new Hearing Officers.

MSC: that in the court action involving Stephen Arian that the Board sets aside the decision of December 12, 1979, and provides for a new hearing to be conducted by a new Hearing Officer, and, that the hearing is to be held on or before July 15, 1980(Lathan/Saunders:4-0).

MSC: that in the court action involving Richard D. Totter that the Board sets aside the decision of March 31, 1980, and provides for a new hearing to be conducted by a new Hearing Officer who has available to him/her only the original petition and attachments, and, that the hearing is to be held on or before July 11, 1980(Lathan/Saunders:4-0).

- B) Budget: This item was held over to the next regular meeting.

- C) Staffing: New CETA position was posted. There is an additional City-funded position included in the budget now before the Board of Supervisors. Workstudy positions with Bay Area law students will also be continued.

- D) New office space is still being investigated.

VI. Adjournment:

The meeting was adjourned at 7:08 p.m..





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD on Tuesday, July 15, 1980 at 5:00 p.m.  
\*\*\*\*\*I. Call to Order:

The meeting was called to order by Vice-President Dorothy Lathan at 5:10 p.m..

II. Roll Call:

Commissioners Present: Lathan, Presiding; Flynn; Alternates: Payne, Vurek  
Commissioners Not Present: Baird, Cole-Chu, Saunders; Alternates: Bell, Neves  
Staff Present: Donna Solomon, John Blackburn

III. Consideration of Appeals:

- A) 1490 Jefferson Street: Reviewed by Rick Henry. Three tenants filed appeals for relief from rent increases granted to the landlord through a landlord petition for arbitration. DOCUMENTS DEPT.

Apartment #102 = 78% increase  
Apartment #101 = 116% increase  
Apartment #203 = 78% increase

The rent increase had been granted on the basis of comparables. The tenants appealed on the comparables and the method of computation utilized by the Hearing Officer, and on the issue of hardship. Each appeal was filed late.

The policy question for the Board to consider is what method of computation should be utilized to arrive at comparable rents, and, whether hardship is an appropriate factor for consideration.

The Reviewing Officer recommended that the appeal be accepted on the record.

MSC: that the Board remand the appeal to the same Hearing Officer to apply §6.10 (c) of the Rules and Regulations, using the change in the C.P.I. from the period of the last rent increase to June, 1980, to compute the percentages of rent increase for these three units (Flynn/Vurek:3-1 with Lathan dissenting).

- B) 35 Downey: Reviewed by Susan Girtler. The landlord appealed the decision of the Hearing Officer based on mortgage payments and repairs and maintenance expenses. At issue is the amortization rate; the Hearing Officer did not work out the amortization figures, but instead made a rough estimate.

MSC: that the Board deny the appeal (Flynn/Payne:4-0).

- C) 1155 Jones Street: Reviewed by Susan Girtler. Two tenants have appealed the decision on this 58-unit building. The record had been left open for one week to allow the landlord to submit



additional documentation to support his claim for rent increases based on capital improvements. There was discrepancy in the testimony on the tape; the tenants contradicted the landlord's testimony.

The policy question for the Board is whether documents should be copied and added to the file to become part of the permanent record.

MSC: that the Board remand the appeal to the same Hearing Officer with instructions to obtain copies of evidence on capital improvements used to compute rent increases and to make that information available to all parties concerned (Payne/Vurek:4-0).

- D) 2790 Pine Street/1816-26 Broderick: Reviewed by Susan Girtler. The landlord appealed the Hearing Officer's decision on two issues: 1) The Rent Board has no jurisdiction to hear cases because cases were heard 47 days after the filing of petitions, and 2) The anti-speculation provision - the building was purchased within two years and 10 days; therefore, debt service could not be taken into account. The landlord did not understand the C.P.I. computation for operating/maintenance expenses.

The policy question for the Board is whether the Board should clarify it's position on \$6.10 (a) of the Rules and Regulations.

The Reviewing Officer recommended that the appeal be denied.

MSC: that the Board deny the appeal (Flynn/Payne:4-0).

- E) 1816 Broderick: Reviewed by Susan Girtler. One of the tenants appealed the decision on the issue of her occupancy. She has resided for 10 months and until December 1, 1979, she was a roommate of the tenant residing in #21 since November, 1973. The landlord has been accepting her rent checks.

The Hearing Officer found the tenant to be in unlawful possession. The owner asked the tenant to sign a new rental agreement with a rent raise from \$284.00 per month to \$550.00 per month.

The Reviewing Officer recommended that the Board accept the appeal on the record to determine jurisdiction.

MSC: that the Board accept the appeal de novo to determine if the tenant comes within the jurisdiction of the Ordinance (Flynn/Payne:4-0).

- F) Reconsideration of 1645 Filbert Street Appeal Denial: Sam Haskins was the Hearing Officer who awarded a \$10.00 increase. The landlord then imposed the guideline increase sometime later on. The tenant petitioned and the increase was denied by a second Hearing Officer because of an error in calculation. The landlord appealed the decision and the appeal was denied.

The Board decided to put this matter over one week.

#### IV. Approval of Minutes of July 1, 1980:

MSC: that the Board approve the minutes of July 1, 1980, as amended (Flynn/Payne:4-0).



V. Communications:

- A) Letter from the Executive Director to the tenants of 1946 Washington Street regarding eviction notices from a group of new owners who want the tenants' units for their own use.
- B) Two letters received from attorney representing a tenant at 1165 Francisco (E. Schujdheiz). The appeal decision stated that the hearing was on the record, but the hearing was held de novo. The decision will be amended to reflect the proper language.
- C) Two letters were received from the District Attorney regarding Amendments to the Ordinance and complaints registered with the District Attorney's Office of Consumer Fraud regarding violations of the Rent Ordinance.

VI. Director's Report:

- A) Meeting Place: The Rent Board has available two possible rooms for the regular meetings every Tuesday, at 5:00 p.m.. The two choices are City Hall, Room 2-C or the State Building, Room #1195.

MSC: That the Rules and Regulations be amended to state the Board shall meet at the State Building, 350 McAllister Street, Room 1195 (Flynn/Payne:4-0).

- B) Statements of Economic Interest: These are due by July 23, 1980. All statements must be turned in to the Director of the Rent Board. The Executive Director's copy must be forwarded to the Clerk of the Board of Supervisors.
- C) There are currently 73 Hearing Officers on staff. Sixteen are minority Hearing Officers. There is a request from another minority to become a Hearing Officer. Ms. Sherry Walker was recommended by Hearing Officer Everett Hewlett.

MSC: That the Rent Board approve Sherry Walker as a Hearing Officer for the San Francisco Residential Rent Stabilization and Arbitration Board (Flynn/Payne:4-0).

VII. Old Business:

- A) Amendments to the Ordinance: The Board of Supervisors passed the amendment of the whole on July 14, 1980 by 11-0. These amendments were from the Rent Board (only) and were reflected in the memo of February 11, 1980 to the Mayor and the Board of Supervisors. There was an amendment offered by Carol Ruth Silver, with an amendment by Quentin Kopp, giving the Rent Board authority to go to court to sue for injunctions against landlords who evict without good faith/just cause.
- B) Budget: Supplemental Budget Appropriation submitted. The original supplemental was lost in the process. A new supplemental is being drawn up. This item was put over for one week.





VIII. Appeal:

A) 1624 Sacramento Street

IX. Adjournment:

The meeting was adjourned at 8:50 p.m..

7/24/80/jsb





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, on Tuesday, July 22, 1980 at 5:00 p.m.

Room #1195, State Building, 350 McAllister Street

I. Call to Order

The meeting was called to order at 5:15 p.m. by President Cole-Chu.

II. Roll Call

Commissioners Present: Cole-Chu, Presiding; Baird, Flynn, Lathan, Saunders;  
Alternates: Payne  
Commissioners Not Present: Alternates: Bell, Neves, Vurek  
Staff Present: Donna Solomon, John Blackburn

III. 725 Hyde Street Appeal

Attorney for the landlord, Darrell Horsted, and Attorney for the tenants, Arthur Sandusky, appeared before the Board to discuss the possibility of a continuance of the appeal hearing scheduled for July 22, 1980 at 7:00 p.m.. The former attorney argued that his client was out of the country and offered four reasons for a continuance. He requested the continuance until August 26, 1980. The latter attorney argued that he had prepared for this appeal hearing and had received no written notice for the original hearing or the appeal hearing and that he was not informed of the request for the continuance of this appeal hearing.

MSC: That the appeal hearing on 725 Hyde Street be continued to August 26, 1980; That with Stipulation of the landlord's attorney, starting with the next rent payments through a decision of this Board on the appeal itself, rents shall revert to the level of rents of the tenants before the notice of rent increase at issue (Baird/Saunders:4-0).

IV. Consideration of Appeals

- A) 3763-24th Street: Reviewed by Pat Henle. Original Hearing Officer was Joan Kubota. The landlord sought a rent increase for capital improvements, comparables, and increased costs. There were three issues:
- 1) Is repainting the lightwell a capital improvement?
  - 2) Is new siding to 1/3 of the building a capital improvement?
  - 3) Are rents lower than comparables?

MSC: That the Board deny the appeal and uphold the decision of the Hearing Officer (Flynn/Baird:4-0).



- B) 646-8th Avenue: Reviewed by Donna Solomon. Original Hearing Officer was Peter Quittman. Four tenants recieved rent increases plus \$75.00 for garage space. Tenant Wong, the newest of the four tenants with a written agreement, appealed the decision of the Hearing Officer because all of the other tenants had a verbal agreement for their garage spaces and just because his written agreement did not mention the garage, he felt that he should be treated the same as the other tenants. The tenant claimed that "it was understood that parking space was provided like the rest of the tenants in the building."

The Policy Questions for the Board are: 1) whether the tenant has an implied agreement that parking is included in the rent; and 2) whether a tenant with a written agreement has less rights than similar tenants without written agreements.

M: That the Board accept the appeal and remand to Hearing Officer to determine decrease in services(Lathan/ ).

MSC: That the Board accept the appeal on the record except de novo for the issue of whether the parking place should be included in the rent increase allowed(Baird/Saunders:5-0).

- C) Reconsideration of 1645 Filbert Street Appeal: An earlier decision by a Hearing Officer (Sam Haskins) was misconstrued by a later Hearing Officer.

MSC: That the Board accept the appeal and remand it to San Haskins for rehearing(Baird/Flynn:5-0).

#### V. Approval of Appeals

- A) 635-39 Mason Street: There were several issues in this three-flat building in the theater district of San Francisco. The Hearing Officer granted an increase in rent for capital improvements and the guideline increase allowed, separately. The Hearing Officer denied the landlord's request for 17% interest charge amortization.

The policy question for the Board is whether interest charges can be passed along with capital improvements.

MSC: That the Board affirm the Hearing Officer's decision(Baird/Saunders:2-1 with Cole-Chu dissenting).

- B) 447 Valencia Street: Commissioners agreed to put this over to July 29, 1980

#### VI. Approval of the Minutes of July 8, 1980

MSC: That the Board approve the minutes of July 8, 1980(Saunders/Lathan:5-0).



## VII. Calendar Items

- A) 447 Valencia Street Appeal: Discussion on this appeal will be held on July 29, 1980.

## VIII. Communications

- A) Letter was sent from the Executive Director to Wallace Wortman asking for assistance in finding new office space for the Rent Board.
- B) Letter was received from Richard D. Totter asking for 1) copies of cassettes; 2) names of Hearing Officers with their addresses and occupations; and 3) names and addresses and occupations of the Commissioners of the Rent Board. The Executive Director will respond to the letter.

## IX. Director's Report

- A) Interviews were held on July 22, 1980 with C.E.T.A. for the hiring of an additional staff person for the Rent Board.
- B) Citizens Housing Task Force and the Housing Policy Group will be holding public hearings on Tuesday, July 29, 1980, at 7:30 p.m. in City Hall, to discuss the current and future of the housing crisis in the City and County of San Francisco.
- C) Office of Community Development is considering funding agencies for landlord/tenant information dissemination. There are three areas of concentration:
  - 1) counseling in the private sector(Section 8): \$90,000.00 is currently being utilized by the Urban League.
  - 2) housing discrimination: \$40,000.00 the Mayor wants to go to the Human Rights Commission.
  - 3) counseling in the private sector: The Office of Community Development has suggested that these funds go to the Urban League. The Rent Board has previously expressed interest in expanding our facilities to encompass more landlord/tenant information dissemination. The San Francisco Tenants Union, The Peoples Law School, and The Eviction Defense Center have submitted a proposal for \$135,000.00 to implement the information dissemination program.
- D) Bus signs are going up July 23, 1980. Most of the 200 signs will be placed in buses that cover the Woods Division of Muni Railway.
- E) The amendments to the Ordinance passed unanimously by the Board of Supervisors and have gone to the Mayor for her signature.
- F) The training seminar for Saturday and Sunday, July 26 and 27, is going to be held at 50 Fell Street. This seminar will deal with mediation and conciliation and will be lead by Phil Zeigler.





X. Approval of Appeals

1165 Francisco Street: Original Appeal Decision stated appeal was on the Record. An amended decision has been prepared indicating the appeal was "on the record except as to hardship."

MSC: That the Board does not reconsider this appeal (Flynn/Baird:5-0).

XI. Appeal Hearing

350 Laguna Honda: The landlords appeared personally, the tenant did not. There was discussion on the issues involved.

MSC: That the Board award the landlord the full rent increase to \$475.00 per month(Baird/Flynn:3-2 with Cole-Chu and Lathan dissenting).

XII. Adjournment

The meeting was adjourned at 9:30 p.m..

7/25/80:jsb





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD on Tuesday, July 29, 1980 at 5:00 p.m.

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Room #1195, State Building, 350 McAllister Street  
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I. Call to Order

The meeting was called to order by President Cole-Chu at 5:20 p.m..

II. Roll Call

Commissioners Present: Cole-Chu, Presiding; Baird, Flynn, Saunders;

Alternates: Bell, Payne, Vurek

Commissioners Not Present: Lathan; Alternates: Neves

Staff Present: Donna Solomon, John Blackburn

III. Consideration of Appeals

- A) 2059 Market Street #28: Reviewed by Augustin Medina. The landlord attempted to have the tenant sign a written lease agreement with a clause pertaining to the landlord's right to accept/reject any roommate or subtenant that the tenant chose. This was pursuant to the original oral agreement. The tenant argued that the roommate was needed to offset the high rent paid. The refusal of a roommate by the landlord would be a potential 100% rent increase. There was no policy question for the Board to consider. The sole issue is one of law. The Reviewing Officer recommended that the appeal be denied.

MSC: That the Board deny the appeal and uphold the decision of the Hearing Officer (Baird/Flynn:4-0).

There was some discussion on the reoccurrence of this issue at the Rent Board. The Board has not issued a policy directive to give guidance to staff and Hearing Officers to date.

- B) 2610 Lake Street: Reviewed by Brian Stubbs. Four tenants filed petitions for rent increases above the guidelines. The increases were requested on increased real property taxes. The landlord had submitted a typed expense sheet (present expenses only) which listed debt service, insurance, utilities, and maintenance. The Hearing Officer denied the increase beyond the guideline based on the landlord's failure to substantiate his argument for debt service and comparables. The landlord had brought an expert witness, Mr. Castalucci, to testify on comparables.

There were two policy questions: 1) whether the Hearing Officer has discretion to consider factors beyond the scope of the Ordinance, and 2) what are the parameters for comparables.

The Reviewing Officer recommended that the Board accept the appeal de novo to allow the landlord to submit evidence on comparables.



MSC: That the Board accept the appeal de novo(Flynn/Payne:4-0).

C) 425 Hyde Street: Reviewed by Sam Haskins.

MSC: That Commissioner Cole-Chu be excused from voting on this case because client is represented by his lawfirm(Flynn/Saunders:4-0).

The landlord is appealing. The 25-unit building was recently purchased (December 20, 1979). Five tenants petitioned the Board for rent increases based on increased debt service, comparables, increased operating and maintenance expenses, the discontinuation of the resident manager, decreased housing services, and some evidence of comparables. No increases were granted beyond the guidelines.

The landlord appealed on comparables. The Hearing Officer found that the landlord's evidence on comparables came from the same company that manages the building and the tenants' evidence was considered heresay.

MSC: That the Board deny the appeal(Saunders/Baird:4-0).

D) 816 Geary Blvd.: Reviewed by Sam Haskins. Landlord increased rents based on utilities. Landlord demanded \$20.00 payment for utilities from all tenants except one. Conciliation reached on April 11, 1980. On April 29, 1980, the landlord proposed an increase for May 1, 1980, to all petitioning tenants. The Hearing Officer gave guideline increases upon proper 30-day notice issued by the landlord.

The landlord appealed on the \$20.00 charge; this constituted an agreement whereby the tenants paid it, although it was overturned and refunded. The landlord also appealed on the 30-day notice issue.

M: That the Board deny the appeal(Baird/Flynn:)

MSC: That the Board continue this matter one week(Baird/Saunders:4-0).

E) 3860-26th Street #5: Reviewed by Donna Solomon. The landlord appealed after requesting an 11% increase. The Hearing Officer granted only 7%. There was no evidence submitted on the smoke detector installation, the issue on which this appeal was brought.

MSC: That the Board deny the appeal(Saunders/Baird:4-0).

F) 2134 Green Street: Reviewed by Donna Solomon. The landlord did not appear at the original hearing because he failed to get proper notice of the hearing date.

MSC: That the Board accept the appeal and remand it to a new Hearing Officer(Flynn/Saunders:4-0).





#### IV. Approval of Appeals

- 447 Valencia Street

MSC: That the Board reverse the Hearing Officer's decision and restore the rents at 447 Valencia Street to their former levels (Saunders/Baird:3-0).

#### V. Approval of Appeal Decisions

- A) 635-39 Mason Street

MSC: That the Board approve the decision (Baird/Flynn:4-0).

- B) 350 Laguna Honda

MSC: That the Board approve the decision (Flynn/Baird:4-0).

- C) 1624 Sacramento Street

MSC: That the Board vacate the Hearing Officer's decision and deny the utility pass-through (Flynn/Vurek:4-0).

#### VI. Approval of the Minutes of July 15 and July 22, 1980

MSC: That the minutes of July 15 and July 22, 1980 be approved as amended (July 22 only) (Flynn/Saunders:4-0).

#### VII. Communications

- 1) A letter was received from the Mayor to President Cole-Chu regarding the amendment of the whole unanimously passed by the Board of Supervisors. The Mayor requested that the Rent Board supply her with guidelines and policies regarding the Rent Board's power to utilize the courts in illegal eviction actions.

MSC: That the President of the Rent Board present proposals for guidelines and policies to the Board for discussion (Baird/Saunders:4-0).

- 2) Commissioner Baird was contacted by Buck Delventhal of the City Attorney's Office regarding the Rent Board's request for an amicus brief. This request has been denied on the grounds that the suit has no significance to the Rent Board. A letter from the City Attorney is forthcoming.

There was some discussion on the possible need for the Rent Board to secure its own attorney.

#### VIII. Director's Report

- 1) The Rent Board has hired a new staff person. Rick Vitrano, a C.E.T.A. staff person, will be starting next week. He has background in writing, communications, politics, and brochure development. He is eager to start working with the Board.





- 2) Disclosure Statements for the Commissioners and Executive Director are due. Instructions on how to fill the form out will be mailed to the Commissioners in the next mailing.
- 3) The training program on Conciliation and Mediation was held July 26 and 27, 1980 at the New College of Law, 50 Fell Street. Eighteen people participated: twelve Hearing Officers, three staff, and three Commissioners.
- 4) The Citizens Housing Task Force will be meeting on July 29, 1980 at 7:30 p.m. in Room 282, City Hall, to take public input on the problems of housing, rent control, and condominium conversion.
- 5) Budget: The new budget begins October 1, 1980. Our budget was projected for nine months. The item of budget will be placed as item #1 on next weeks' agenda.

#### VIII. Adjournment

The meeting was adjourned at 7:50 p.m..





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD on Tuesday, August 5, 1980 at 5:00 p.m.

Room #1195, State Building, 350 McAllister Street

I. Call to Order

The meeting was called to order by President Cole-Chu at 5:11 p.m.

II. Roll Call

Commissioners Present: Cole-Chu, Presiding; Baird, Flynn,  
Alternate: Neves, Payne

Commissioners Not Present: Lathan, Saunders; Alternates: Bell, Vurek

Staff Present: Donna Solomon, John Blackburn

III. Budget

A) Budget as it related to the expansion of the Rent Board to  
allow for tenant/landlord counselling(public information/services);

a) Jane Tyrrell from the Bar Association spoke on the programs  
the Bar Association has offered on tenant/landlord infor-  
mation. She spoke of three programs which were successful.

- 1) 100 volunteer lawyers on 30 phones on KQED-TV; 15%  
of the calls dealt with landlord/tenant issues. NOTE:  
During a 4-hour period, the phone company logged  
76,000 busy signals of people trying to call in.
- 2) 1000 clients were seen during a one week "open house"  
of which 13% had landlord/tenant issues.
- 3) A Saturday at the Library from 10:00 a.m. to noon had  
11% concerns with landlord/tenant issues.

b) Don Hesse from the Human Rights Commission discussed the  
OCD funding possibilities through Community Block Grant  
Funds. The Human Rights Commission turned OCD down on the  
offer to provide landlord/tenant counselling. Mr. Hesse  
expressed his belief that there should be a City department/  
City-funded body that deals with landlord/tenant issues.

There was some discussion about the resources currently  
available city-wide:

CITY AGENCIES

Mayor's Citizen Assistance  
Center  
Rent Board  
Housing Authority  
Building Inspection  
Human Rights Commission

PRIVATE AGENCIES

Bay Area Urban League  
Peoples Law School/Tenants Union/  
Eviction Defense Center  
Operation Sentinel  
Bar Association



There was some discussion on the role of advocate vs. that of an information officer, community resources, and duplication of services.

- c) Dave Brigode from the San Francisco Tenants Union spoke of the need for the Tenants Union to secure the funding available from OCD for tenant/landlord counselling. The Tenants Union has a volunteer staff that handles up to 1000 calls per week. Twenty City agencies refer calls to them. He expressed his opinion that the Rent Board should not be the agency to secure the OCD funding; the Tenants Union has a long-standing track record that should not be ignored.
- d) Scott Weaver from Peoples Law School spoke about the need for the Rent Board to remain as a referral agency only. Landlord/tenant issues beyond rent increases can best be handled by Tenants Union and Peoples Law School.

#### IV. Consideration of Appeals

- A) 640 Mason Street: Reviewed by Susan Girtler. Nineteen tenants petitioned on rent increases for utilities(\$10.85/mon./unit). Tenants argued that utilities were included in rent and that they are eligible for their 7% on August 1, 1980. No increase was allowed whereupon the landlord appealed the Hearing Officer's decision.  
 MSC: That the Board accept and remand this appeal to the same Hearing Officer with direction that the recommendation of the Reviewing Officer be utilized (see Policy Directive 1980-2); "that the landlord should be allowed to pass on the portion of the PG&E costs above the CPI, however, a more equitable means of distributing this cost should be determined."  
 (Flynn/Baird: 4-1 with Cole-Chu dissenting because he wanted the Board to hear this appeal)
- B) 1487 Sacramento Street: Reviewed by Susan Girtler. Tenants received 10% increases in rent December 1, 1979. In March, 1980, the building was sold. The landlord proposed 26-34% rent increases for May, 1980, for substantial repairs, and gave the tenants eviction notices for the repair work to be done. Only tenants who were willing to negotiate new leases were allowed to stay. Tenants contended that the repairs were not needed, but that landlord was using this issue to force them out for higher rents. Landlord contended that this was not an increase and that the Rent Board had no jurisdiction over this case.

MSC: That the Board deny the appeal(Flynn/Payne:5-0).

#### V. Appeal Hearing

646-8th Avenue #7: The tenant- appellant is William Wong. The landlord- respondent is Chun Chune. Present with the landlord were his son, Leland Chune and his daughter-in-law, Adela Chune. They were acting as interpreters for the landlord. Testimony was taken as to the issue of the parking space.





MSC: That the Board overrule the decision of the Hearing Officer and that the Tenant is entitled to uncovered parking space, or any other space the landlord would make available in the building, that he occupied since moving in (Flynn/Baird:5-0).

#### VI. Budget

In June, 1979, a 15-month allocation of \$197,000.00 was legislated to the Rent Board. \$84,000.00 was put into the Board's account and the remaining \$113,000.00 was held pending a supplemental appropriation.

There was some discussion on the budgets (2) prepared for the Board of Supervisors, the 6-month portion, the 9-month portion, and the Board's budget dates not coinciding with the City system. There was also discussion on the budget process and the dollar amounts requested.

MSC: That the Rent Board delay deciding on a dollar amount of any supplemental budget until we physically move the office to another location and can determine the number of phones and the number of people needed to answer them, space allowable, and, that the Executive Director be instructed to consult the Mayor's Office regarding the best time to submit a supplemental budget (Flynn/Baird:5-0).

MSC: That the Rent Board proceed to prepare a proposal to establish a landlord/tenant counselling service on the issues other than rent increases and seek funding thereof (Flynn/Payne:5-0).

#### VII. Approval of the Minutes of July 29, 1980

MSC: That the minutes be approved (Flynn/Payne:5-0).

#### VIII. Communications

- 1) A copy of a letter from Robert Passmore, Department of City Planning, to City Attorney George Agnost regarding condominium controls was received.
- 2) A letter was received from a tenant at 1490 Jefferson Street who did not appeal.

#### IX. Director's Report

- A) A copy of the recently passed amendments to the Ordinance are in each Commissioner's file.
- B) Conflict of Interest Statements are due. Instructions have been mailed and additional forms are available upon request.

#### X. Adjournment

The meeting was adjourned at 9:20 p.m..



1981

MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD ON Tuesday, August 12, 1980 at 5:00 p.m.

ROOM #1195, State Building, 350 McAllister Street

I. Call to Order

The meeting was called to order by President Cole-Chu at 5:11 p.m..

II. Roll Call

Commissioners Present: Cole-Chu, Presiding; Baird, Flynn, Saunders;

Alternates: Bell, Neves, Payne, Vurek

Commissioners Not Present: Lathan

Staff Present: Donna Solomon, John Blackburn

III. Consideration of Appeals

A) 1840 Franklin Street #1: Reviewed by Bill Brauer. Original Hearing Officer was D. J. Soviero. There were two issues in this appeal:

a) landlord converted units over from steam heat to individual electric heating units in each apartment and b) landlord offered a tax rebate program to certain tenants.

a) landlord had offered to pay all of the increase in electric costs (stated at the hearing and in a letter to the tenants). The increased cost is in dispute. The Hearing Officer found that there was a decrease in housing services with this change and that the rent should be reduced by \$25.00 per month.

b) In February, 1979, the landlord instituted a one-shot rental rebate program, due to the decrease in property taxes as a result of Proposition 13. Three tenants were affected. Landlord paid the tenants \$40.00 per month; \$480.00 was paid back as of April 1, 1980. A final check for \$60.00 was to be given on June 30, 1980. The issue here is what the base rent is for computing the 7% increase (\$425.00 or \$385.00).

The policy questions for the Board to consider were a) does the Hearing Officer have the jurisdiction to require a landlord to continue indefinitely a voluntary rebate program, b) should this rebate program be considered in the calculation of the base rent, c) should a conversion to a more efficient heating system be treated as a decrease in services, and d) where the landlord agrees to pay any increase in the tenant's bill, can the tenant claim a rent increase/decrease in services.

The Reviewing Officer recommended that the appeal be accepted.

MSC: That the Board accept the appeal (Baird/Flynn:4-0).



- B) 1394-A McAllister Street: Reviewed by Bill Brauer. Original Hearing Officer was D. J. Soviero.

MSC: That Commissioner Cole-Chu be excused from voting on this case because he knows one of the parties.  
Commissioner Vurek sat in his place for discussion/vote.  
(Baird/Saunders:4-0).

The landlord sought a rent increase from \$428.00 to \$520.00 per month, an increase of 28% based on increased property taxes(59%) and an increase in debt service(87%). The Hearing Officer found a lack of proof for comparables; the increased debt service was not considered. The Hearing Officer denied the increase for taxes because the CPI was not yet available for the time period in question. A 7% increase was allowed.

The contested issue is that of comparables. Landlord's average comparable was \$559.00 per month while the tenant's average comparable was \$375.00 per month, a difference of \$184.00 per month.

The policy questions for the Board were a) should the CPI be used to determine whether increases are allowed, especially when the amount is certain to exceed the CPI, no matter what figure it is, b) was the landlord denied due process by not having a chance to review the tenant's evidence on comparables, c) was the Hearing Officer obligated to consider the increased debt service upon proof that the prior owner held the building for more than 2 years, and d) was it in error for the Hearing Officer to consider the tenant's income and not the financial situation of the landlord.

The Reviewing Officer recommended that the Board accept the appeal.

MSC: That the Board accept the appeal(Baird/Saunders:5-0).

- C) 1404 Sacramento Street: There was some discussion on the third appeal on the aforementioned property.

MSC: That the Board deny the appeal(Flynn/Saunders:5-0).

- D) 816 Geary: This appeal involved the issue of proper notice. Commissioner Cole-Chu had researched the issue of 30 day notice and the requirements for it under 827 of the California Civil Code and 1162 of the Code of Civil Procedures.

There was some discussion on the issue of 30 day notice and the lack of clear cut case law regarding the questions generated in this appeal.

The issues in this appeal are a) whether proper notice for the rent increase was issued, and, b) when does the 30 day period end and the increase begin.

MSC: That the Board deny the appeal(Baird/Saunders:4-1 with Neves dissenting).





- E) 722 Jackson Street: There was a request for an extension of time in which to file the appeal. The appellant did not receive the Findings of Fact in time.

MSC: That the Board grant an additional two weeks, up to and including August 19th, for the submission of the appeal (Flynn/Neves:5-0).

- F) 640 Mason Street: This appeal was reviewed by Susan Girtler at the meeting of August 5, 1980. The Board is now reconsidering their original decision to remand this back to the Hearing Officer. The issue is the pass-through of utilities. The Hearing Officer had ruled strictly and did not allow an increase in rent because of operating and maintenance expenses; evidence of these expenses was not introduced. At issue here is Policy Directive 1980-2.

There was some discussion on what constituted operating and maintenance expenses.

MSC: That the Board rescind their decision of August 5, 1980, on 640 Mason Street (Flynn/Saunders:5-0).

MSC: That the Board accept the appeal and hear it DE NOVO (Flynn/Neves:5-0).

This case will be heard on September 2, 1980.

#### IV. Approval of the Minutes of August 5, 1980

MSC: That the Board approve the minutes of August 5, 1980 (Baird/Neves:5-0).

#### V. Communications

- 1) A letter was received from Wallace Wortman, Director of Properties, to Commissioner Cole-Chu regarding amortization of interest on loans.
- 2) A letter was received from the City Attorney to Commissioner Cole-Chu regarding a request for an amicus brief.

MSC: That the Rent Board does not further pursue the amicus brief request any further (Baird/Flynn:5-0).

MSC: That the Board send a copy of the letter from the City Attorney to the tenants involved (Baird/Neves:5-0).

- 3) A letter was received from the Mayor to all Board and Commissions regarding violence at public meetings. Commissioners should contact the police if violence and/or disruption is anticipated.
- 4) A letter was received from Hearing Officer Ellen Buchanan to Commissioner Cole-Chu regarding the owner-occupied exemption. Specifically, there were questions about multiple owners who wish to evict tenants for their own/relatives use.





- 5) Letters from the Executive Director to the City Attorney and the Mayor regarding the Rent Boards' proposed expansion to provide landlord/tenant counseling.
- 6) A letter was received from an Attorney for a landlord. The landlord did not get notice and would like to present his client's case. This is regarding the property located at 1319-46th Avenue. This letter should be treated as an appeal.
- 7) Two letters were sent between the Executive Director and H.U.D. regarding the exemption in the Ordinance for "units whose rents are controlled or regulated by any government unit, agency, or authority."

MSC: That the Executive Director be allowed to meet with H.U.D. (Baird/Neves:4-1 with Flynn dissenting).

#### VI. Appeal Hearing

2610 Lake Street

#### VII. Director's Report

- 1) Bus signs are now installed on the buses and people are calling in response to them.
- 2) The recommendation of the Mayor's budget office is that we should submit our request for a Supplemental Budget in January, but begin the process in November. We are not on a line-item budget so we are able to move expenses around, but may have to justify some requests.
- 3) The indexing project is progressing. The Executive Director, Commissioner Ralph Payne, and Susan Bloom further refined the form to be used.
- 4) The Six-Month Report will be mailed this week. Commissioners were asked to make any comments by Tuesday, August 19, 1980.
- 5) The newspaper reported on a recent California Supreme Court decision which stated that a member of an administrative board cannot take the agency to court to challenge its actions.
- 6) The Executive Director met with Diana Bilovsky to review her draft of the Residential Hotel Conversion Ordinance which will be needed when the moratorium ends.

#### VIII. Approval of Appeal Decisions

The decision on 646-8th Avenue was approved with changes recommended by Commissioner Cole-Chu.

#### IX. Old Business

- A) Amendments to the Ordinance- Commissioner Cole-Chu said that in discussing the proposed changes to the Rules and Regulations, it is



important for the Board to discuss other Ordinance changes, especially regarding the possible elimination of the utility pass-through.

- B) Rules and Regulations- These changes will be addressed at the next meeting. A public hearing is scheduled for August 19, 1980, at 6:00 p.m. in the State Building, to obtain public input for proposed changes to the Rules and Regulations.

X. Calendar Items

- A) Tuesday, August 19, 1980- the next regular meeting. This meeting will include a public hearing, beginning at 6:00 p.m., on Amendments to the Rules and Regulations.
- B) Thursday, August 21, 1980- At 4:00 p.m. at 170 Fell Street, Room 37, the Rent Board will discuss and write specific amendments to the Rules and Regulations.
- C) Monday, August 18, 1980- An Executive Session to discuss personnel matters, to begin at 6:00 p.m., at 170 Fell Street, Room 37.

XI. Adjournment

The meeting was adjourned at 10:10 p.m..



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD ON Tuesday, August 19, 1980 at 5:00 p.m.

ROOM #1195, State Building, 350 McAllister Street

I. Call to Order

The meeting was called to order by President Cole-Chu at 5:25 p.m..

II. Roll Call

Commissioners Present: Cole-Chu, Presiding; Baird, Flynn, Saunders;  
Alternates: Payne, Vurek, ~~Neves~~  
Commissioners Not Present: Lathan; Alternates: Bell, ~~Neves~~  
Staff Present: Donna Solomon, John Blackburn

III. Consideration of Appeals

- A) 2661 California Street #5: Reviewed by Laura Swartz; Original Hearing Officer was Bruce Lilienthal.

Tenant received an increase from \$295.00 to \$350.00 per month (18.6%). Landlord contended that comparables in the area were higher; tenant contended that they were the same or lower. Landlord presented evidence for increased costs in utilities, water bills, insurance, and management costs. Tenant claimed that the manager had given poor service and had harassed them.

MSC: That the Rent Board accept the appeal and hear it de novo (Saunders/Baird:3-0).

- B) 1319-46th Avenue: Reviewed by Donna Solomon. The landlord's attorney had sent the Rent Board a letter requesting an appeal on a decision that was not received by said attorney in time. The Reviewing Officer recommended that the Board accept the appeal and remand it to the same Hearing Officer.

MSC: That the Rent Board accept the appeal and remand it to the same Hearing Officer (Baird/Saunders:3-0).

IV. Approval of the Minutes of August 12, 1980

MSC: That the Rent Board approve the minutes of August 12, 1980 (Saunders/Baird:3-0).

V. Director's Report

- 1) The Executive Director expressed thanks to Commissioner Vurek for obtaining nameplates for the Commissioners and Staff.
- 2) The first draft of the Six-Month Report has been completed. The Executive Director requested that the Commissioners submit their comments/changes by Thursday, August 21, 1980. The





Commissioners requested more time to review the document and make formal comments/recommendations for changes.

There was some discussion on the immediacy of submitting the report to the Mayor and Board of Supervisors.

- 3) The Executive Director has been working with the Real Estate Department and the Unified School District for additional space. The Charter Commission is going to vacate Rooms 16 and 17 at 170 Fell Street on September 1, 1980. The space will need capital improvements.

MSC: That the Rent Board authorize the Executive Director to make preparations to move the office to Room 16 and 17(Baird/Saunders:4-0), and that the Executive Director be instructed to bring necessary costs for capital improvements to Rooms 16 and 17 to the Board for consideration.

- 4) The Executive Director brought the Board up to date on the personnel matters regarding staff.

MSC: That the Executive Director pursue with the Civil Service Commission the position of Administrative Assistant and that the senior staff person be elevated to that position (Flynn/Saunders:4-0).

- 5) The Landlord/Tenant Proposal was submitted to the Mayor. The Board has not received a response as of yet.

- 6) Lawsuits: The suit involving 1686 Guerrero Street has settled.

#### VI. Public Hearing: Amendments to the Rules and Regulations

There was public testimony taken on the proposed changes to the Rent Board's Rules and Regulations.

#### VII. Adjournment

The meeting adjourned at 8:15 p.m..





MINUTES OF A SPECIAL MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD ON Thursday, August 21, 1980, at 4:00 p.m. at 170 Fell #37  
\*\*\*\*\*

I. Call to Order

The meeting was called to order by President Cole-Chu at 4:20 p.m..

II. Roll Call

Commissioners Present: Cole-Chu, Presiding; Baird, Flynn; Alternates:  
Bell, Neves, Payne, Vurek  
Commissioners Not Present: Lathan, Saunders  
Staff Present: Donna Solomon

III. Discussion on Injunctive Relief

The discussion began regarding the Rent Board's power to sue for injunctive relief, the proposed new Part 11 of the Rules and Regulations.

MSC: That the Rent Board refer the proposed regulation,  
"Legal Actions Under Ordinance §37.9 (e)" to the  
City Attorney's Office for the City Attorney's review  
to determine whether any part of the proposed amendment  
is in conflict with the Charter or any aspect of City  
law(Baird/Neves:5-0)

[see attached proposed amendments]

IV. Utilities

Where a landlord fails to justify to a tenant the continuation of an amount  
passed through under §37.2 (j) and this Regulation, the tenant may petition  
the Board for an arbitration hearing on the amount to be passed through.  
Proposed amendments to the Rules and Regulations were propounded which would  
extend utility pass-throughs to all utility costs.

No amount passed through to a tenant as a utility increase shall be included  
in the tenant's base rent for purposes of calculation of the amount of rent  
increases allowable under the guidelines.

V. Grounds for Petition

Add Sections 4.10 (d) and 4.10 (e)

MSC: That §4.10 (d) and (e) be included in Rules and Regulations  
amendments(Baird/Flynn:4-1 with Baird(sic)dissenting).

Absence of a landlord petition before imposing a rent increase within  
twelve (12) months of a previous rent increase or within the first twelve  
(12) months of tenancy shall be automatic grounds for disallowing the rent  
increase. This wording should be added under Part 6, Justification for  
Rent Increases Exceeding the Guidelines.



VI. Justification for Rent Increases Exceeding the Guidelines

Debt Service is not considered an operating expense under §6.10 (a); it is to be applied only under §6.10 (d). A definition of "comparable" is added to §6.10 (d).

VII. Other Miscellaneous Amendments

Other miscellaneous amendments were propounded for public review.

[see attached proposed amendments]

MSC: That the Rent Board voted to formally propose various other amendments to the Rules and Regulations set forth in the attached (Baird/Flynn:5-0).

VIII. Adjournment

The meeting was adjourned at 7:15 p.m..





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD ON Tuesday, August 26, 1980 at 5:00 p.m.

ROOM #1195, State Building, 350 McAllister Street

### I. Call to Order

The meeting was called to order by Commissioner Flynn at 5:15 p.m..

### II. Roll Call

Commissioners Present: Flynn, Presiding; Baird; Alternates: Payne, Moses,  
Vurek

Commissioners Not Present: Cole-Chu, Lathan, Saunders; Alternate: Bell

Staff Present: Donna Solomon, John Blackburn

### III. Consideration of Appeals

- 1) 148 Terra Vista #4: Reviewing Officer was Dwayne Kunath. The Original Hearing Officer was Ruth Astle. Landlord appealed the decision.

Tenant received a rent increase of 10.9% and filed claiming decreased housing services; the landlord had repossessed the garage space. The landlord claimed the tenant abandoned the garage space and claimed costs for capital improvements.

There were no policy questions.

The Hearing Officer found a decrease in housing services. The Reviewing Officer recommended that the Board deny the appeal.

MSC: That the Rent Board deny the appeal (Payne/Baird:5-0).

- 2) 4450-20th Street: Reviewing Officer was Dwayne Kunath. The Original Hearing Officer was Skip Hewlett.

Landlord petitioned for a rent increase based on increased operating and maintenance expenses. The Hearing Officer granted an increase based on these increased costs.

The tenant-appellant claimed that some expenses were for improvements and that the Hearing Officer erred in combining the two categories together for purposes of computing the proper rent increase.

According to the Reviewing Officer, there were two policy questions: 1) whether operating and maintenance expenses include costs for capital improvements, and 2) the method of differentiating between operating and maintenance costs and capital improvement costs.

The Reviewing Officer recommended the Board accept the appeal on the record and the parties furnish evidence on the date of the 1977 rent increase for 4450-20th Street and the date in 1978 when 4448-20th Street was rented.





MSC: That the Rent Board accept the appeal on the record, except that the parties be able to submit evidence on rent histories of each unit (Baird/Payne:5-0).

MSC: That the Executive Director be instructed to write a letter to the tenants of 4448-20th Street notifying them that the appeal has been accepted, and that the Board will entertain an appeal from them if they desire to do so (Baird/Payne:5-0).

IV. Approval of the Minutes of August 19, 1980

MSC: That the Rent Board approve the minutes of August 19, 1980 as amended (Baird/Neves:5-0).

V. Communications

- 1) A letter was received from Deputy Mayor Rudy Nothenberg regarding year-end reports from all Departments/Board/Commissions.
- 2) A letter was received from the Real Estate Department requesting an extension on a certification application.

VI. Director's Report

- 1) The appeal filed by Chinese Hospital on the property located at 722 Jackson Street has been withdrawn.
- 2) A public hearing has been scheduled for Monday, September 8, 1980, to obtain public input on the proposed changes to the Rules and Regulations.
- 3) There will not be a regular meeting of the Rent Board on Tuesday, September 9, 1980. It is a legal holiday.
- 4) There are three items in each Commissioner's packet:
  - a) tenant utilities proposed amendment to Rules and Regulations
  - b) Section 6.10 of the Rules and Regulations - proposed amendment
  - c) proposed amendments to the Rules and Regulations Part 9, dealing with capital improvements and rehabilitation work. (staff recommendation)
- 5) The Executive Director and Kathryn Pennypacker of the City Attorney's Office will meet with H.U.D. for an informational meeting at some date, to be set, in September.
- 6) Indexing of Case Decisions - The initial form for tabulating the issues involved has been developed. The Executive Director will report on the progress of the Indexing at the next meeting of the Board.



VII. Appeal Hearings

- a) 1394-A McAllister Street
- b) 725 Hyde Street

VIII. Adjournment

The meeting was adjourned at 9:30 p.m..

8/29/80:jsb





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD ON Tuesday, September 2, 1980 at 5:00 p.m. at the State Buil  
350 McAllister Street, #1195

I. Call to Order

The meeting was called to order by President Cole-Chu at 5:10 p.m..

II. Roll Call

Commissioners Present: Cole-Chu, Presiding; Baird, Flynn, Lathan,  
Alternates: Neves, Payne

Commissioners Not Present: Saunders; Alternates: Bell, Vurek

Staff Present: Donna Solomon, John Blackburn

III. Consideration of Appeals

427 Hickory Street: Reviewed by Jackson Wong. Original Hearing Officer was Dwayne Kunath. Tenant petitioned to challenge rent increase from \$195.00 to \$325.00 per month, or 71%. Landlord appealed because the Hearing Officer did not consider debt service as there was not a recent purchase. An 11.1% rent increase was awarded based on the difference between the C.P.I. (16.7%) and the landlord's last increase within the past twelve (12) months of 5.6%.

MSC: That the Rent Board deny the appeal (Flynn/Baird:3-2 with Lathan and Payne dissenting).

IV. Report from the Real Estate Department

John Donovan, from the Real Estate Department (herein referred to as R.E.D.), appeared to discuss the proposed amendments to the Rules and Regulations vis a vis Capital Improvements and Rehabilitation Work.

There was some discussion on two letters; a) a letter from the R.E.D. to the President, and b) a letter from the R.E.D. to the Mayor.

a) Wallace Wortman raised two issues for the Rent Board to consider:

- (yes) 1) when certifying interest, can the R.E.D. certify interest-only loans; whereby the landlord could pay off the loan before the end of the amortization period of the work certified.
- 2) with consideration to the cost of the estimator, if the estimator's cost estimate is substantially lower than the cost of the application, should the R.E.D. limit the landlord's pass-through to the estimator's estimate?

b) Wallace Wortman raised the issue of the cost of the R.E.D. program. Since the program began, they have received 31 applications = \$1,550.00 in fees. From January 1, through July 31, 1980 it cost \$9,600.00 to administer the program, not including reproduction costs, resulting in a loss of \$8,050.00.





There was some discussion on the cost of the program and what some alternatives might be.

V. Approval of the Minutes of August 26, 1980

MSC: That the minutes be approved as amended(Baird/Payne:5-0).

MSC: That the Utility section of the Rules and Regulations be approved(Baird/Flynn:5-0).

[see attached changes to Rules and Regulations]

VI. Communications

A) A letter was received from CHAIN asking if the Rent Board would like to co-sponsor a statewide housing action conference in November. A copy of the letter will be distributed at the next regular meeting.

B) A letter was recieved from the Consumer Fraud Unit of the Office of the District Attorney. President Carter has proclaimed October 5, 1980 as National Consumer Education Week. Booth space will be available at the fair.

MSC: That the Rent Board have a booth at the fair and the Executive Director shall use judgement on staffing (Baird/Flynn:5-0).

C) A letter was directed to the tenants and landlord of the property located at 4448-20th Street regarding the appeal filed by the tenants in 4450-20th Street.

D) A memorandum was received from R.A.P. regarding inclusion of R.A.P. buildings in the Ordinance.

E) A letter was received from Rick Warren regarding the Totter case/ administrative record.

VII. Approval of Appeals

A) 447 Valencia Street

MSC: That the Rent Board approve the decision for 447 Valencia Street (Flynn/Baird:5-0).

B) 725 Hyde Street

MSC: That the Rent Board approve the decision for 725 Hyde Street as amended(Payne/Baird:5-0). Commissioners Cole-Chu and Lat were excused from voting because they weren't here for the appeal hearing.

C) 2610 Lake Street

MSC: That the Rent Board approve the decision of 2610 Lake Street (Baird/Neves:5-0). Commissioners Lathan and Flynn were excused.



from voting because they weren't here for the appeal hearing.

### VIII. Appeal Hearing

640 Mason Street: The hearing began at 7:10 p.m., and concluded at 9:10 p.m.. Upon motion made by Commissioner Flynn and seconded by Commissioner Payne, it was,

MSC: That an \$8.00 per month increase be allowed for each two-room apartment(5-0).

MSC: That the rent increase be effective September 1, 1980 (Lathan/Payne:4-1 with Flynn dissenting).

### IX. Director's Report

1) Indexing: Donna Solomon and Ralph Payne met with a representative of the Data Processing office who will investigate a scanner form and procedure for data entry. He anticipated that the system can be operative in two-three weeks. The Case Summary form that will be utilized by Hearing Officers was distributed.

MSC: That the Case Summary form be put into final form(Flynn/Baird:5-0).

2) The Mayor will be making her State of the City address the First Monday in October. Therefore, she has requested information by September 15th from each department regarding accomplishments and budget of the past year. The Rent Board will submit the second Six-Month Report and highlight appropriate sections.

3) The Residential Rent Stabilization and Arbitration Ordinance was amended to expand the Citizens' Housing Task Force from 13 to 15 members, with the provision that the two new members be from the private housing industry. The Rules Committee of the Board of Supervisors will consider applications for these two appointments at its regular monthly meeting scheduled for 2:00 p.m., Thursday, September 25, 1980, in Room 228, City Hall.

4) Amendments to the Rules and Regulations comprised the single agenda item for a public hearing on Monday, September 8, 1980. A 5-page summary has been prepared for and mailed to all Hearing Officers. It is also available for the public. The summary does not include information about the power to sue for injunctive relief. However, this is the area of greatest concern to the Mayor. A response from the City Attorney is anticipated before the Public Hearing.

5) The recent amendments to the Ordinance included a statement that all time limits are directory, not mandatory, except where indicated. On Kathryn Pennypacker's draft amendment to Section 37.8, she specifically included two mandatory time limits; time for filing a petition and time for filing an appeal. However, both of these statements regarding mandatory time limits were eliminated in the actual amendments.

6) Amendments to the San Francisco Residential Rent Stabilization and Arbitration Ordinance, specifically to change the termination date from November 4, 1980 to March 31, 1981, will be heard by the Planning, Housing,



and Development Committee of the Board of Supervisors on September 16, 1980

X. Old Business

Commissioner Baird requested a letter be sent to the Mayor regarding the Tenant Alternate vacancy on the Rent Board.

XI. Adjournment

The meeting was adjourned at 10:15 p.m..





MINUTES OF THE SPECIAL MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD ON Monday, September 8, 1980 at 5:00 p.m. at the State Building, 350 McAllister Street, #1195

\*\*\*\*\*  
PUBLIC HEARING ON THE PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS OF R.R.S.  
\*\*\*\*\*

# I. Call to Order

The meeting was called to order by President Cole-Chu at 5:35 p.m..

## II. Roll Call

Commissioners Present: Cole-Chu, Presiding; Baird, Flynn, Lathan, Saunde  
Alternates: Payne, Vurek  
Commissioners Not Present: Alternates: Bell, Neves  
Staff Present: Donna Solomon

## III. Public Hearing; 5:25 - 7:35 p.m.

The following changes to the proposed amendments were approved:

- \$1.22 add to end of first paragraph: "whether paid by the tenant alone, the landlord alone, or part by the tenant and part by the landlord."  
change: [considering at least the size of the various units]  
"considering at least the number of rooms in the various units"
- \$2.10 The members of the Board, not including Alternates,
- \$3.10 a) 2) Landlord Petitions: \$10.00 for each rental unit covered by the [appeal] petition.
- \$6.10 c): imposed [in the previous twelve-month period] since the time of the last rental increase to the same tenant,  
d) by a landlord or a tenant  
e) ADD: A rent increase may be considered justified as a result of an increase in a variable rate mortgage.  
g) becomes f)  
g) (see K.P. p.3) ADD: as a justification for a rent increase.  
e) becomes g)  
e) ADD: and the landlord has failed to perform such work.  
f) becomes h)  
h) becomes i)
- \$7.13 Delete last sentence.

DOCUMENTS DIV.  
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- \$7.22      ADD: No exception to the Rule (Rule 7.17) against basing any Finding of Fact solely on hearsay evidence inadmissible under the California Evidence Code will be made on account of the absence of a party.
- \$7.25      [heretofore operable] (see K.P. p.4) and the tenant has been paying the increase,
- \$11.10      counsel, [and if the complainant signs a document provided by the Board acknowledging that the Board is not required to proceed against the landlord, accepting the Board's regulation regarding the amount of payment to the complainant of money collected after any judgement against the landlord, and releasing the Board, its members, and staff, the City and County of San Francisco, and any of its officials from any claims arising out of consideration or prosecution of an action under Section 37.9 (e),] the Board will immediately proceed to consider action against the landlord.

MSC:            That the Rent Board adopt the Rules and Regulations  
                 as amended and changed at this meeting (Flynn/Saunders:4-1)

#### IV. Adjournment

The meeting was adjourned at 8:50 p.m.





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD ON Tuesday, September 16, 1980 at 5:00 p.m. at the State Building, 350 McAllister Street, #1195

### I. Call to Order

The meeting was called to order by President Cole-Chu at 5:20 p.m..

### II. Roll Call

Commissioners Present: Cole-Chu, Presiding; Baird, Flynn, Lathan; Alternates: Payne

Commissioners Not Present: Saunders; Alternates: Bell, Neves, Vurek

Staff Present: Donna Solomon, John Blackburn

### III. Consideration of Appeals

- A) 1438 Shrader Street: Reviewing Officer was Ruth Astle; Original Hearing Officer was Boots Whitmer. The landlord took the garage back from the tenant. The Hearing Officer reduced the rent by \$30.00 per month. The tenant appealed; tenant wanted the garage back, not a decrease in rent.

There was some discussion on the legality of the landlord taking back the garage vis a vis California Civil Code, and, whether the Rent Board has the jurisdiction to deal with Civil Code violations.

The Reviewing Officer recommended denying the appeal.

MSC: That the appeal be denied (Lathan/Baird:3-0).

- B) 1322-47th Avenue: Reviewing Officer was Sam Haskins; Original Hearing Officer was Ruth Astle. Appeal involved R.E.D. certification for Capital Improvements. Hearing Officer allowed increase over the guidelines for amortization on 10-year schedule.

The tenant appealed and objected to certification and that this is contrary to the Rent Board statute; place additional burden on tenant.

There was some discussion on R.E.D. certification and how the Rent Board can certify Capital Improvement/Rehabilitation Work with other issues brought into a case.

MSC: That the appeal be denied (Baird/Lathan:4-0).

- C) 1668 Market Street: Reviewing Officer was Donna Solomon; Original Hearing Officer was Randall Choy. The tenants appealed through Legal Assistance to the Elderly. The tenants did not appear at the hearing because they did not receive notice of the hearing date.

The notices, marked moved, left no forwarding address, were returned to the Rent Board.

The Reviewing Officer recommended that the appeal be accepted and remanded.

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MSC: That the Rent Board accept the appeal and remand it for another hearing (Baird/Payne:4-0).

- D) 2240 Northpoint: Reviewing Officer was Donna Solomon; Original Hearing Officer was Dwayne Kunath. This was a landlord petition. Owners claimed that they did not receive notice of the hearing date.

Reviewing Officer recommended that the appeal be accepted and remanded.

MSC: That the Rent Board accept the appeal and remand it for another hearing (Payne/Lathan:4-0).

- E) 4448-4450-20th Street: Reviewing Officer was Donna Solomon. The landlord petitioned on two units. The Hearing Officer ruled for the landlord and granted an increase. The tenant at 4450 who attended the hearing, appealed the decision. The Rent Board wrote to the other tenants asking them if they wished to appeal. Only the landlord responded that she would like to respond to the appeal in question. The tenants at 4448 never appeared and never responded to the appeal letter.

The appeal on 4450-20th Street was accepted and is on calendar for September 23, 1980 at 6:30 p.m..

#### IV. Communications

- 1) There was a letter from Rosemary Lang (tenant) to Wallace Wortman of the Real Estate Department, with a cc: to Lee Cole-Chu, regarding her objection to rent increases based on capital improvements.
- 2) There was a letter from Wallace Wortman of the R.E.D. to the Mayor, with a cc: to Donna Solomon regarding Administrative costs of R.E.D. to implement certification process for capital improvements/rehabilitation work.
- 3) There was a letter from Mayor Dianne Feinstein to all Department Heads regarding the Chinese Exhibition at Fort Mason and her hope that all Department Heads would attend.
- 4) There was a letter from Kenneth Phillips of the Citizens' Housing Task Force to Donna Solomon regarding his intention to review and respond to the amendments to the Rules and Regulations.
- 5) There was a letter from David Moon, of the District Attorney's Office of Consumer Fraud, to Donna Solomon regarding their declining to prosecute for potential violations of the Rent Ordinance.
- 6) There was a letter from Donna Solomon to the Mayor regarding the State of the City Address.
- 7) There was a letter from Donna Solomon to M.O.E.T. (Bob Won) regarding a request for additional C.E.T.A. staff for the Rent Board.
- 8) There was a letter from Ray Sullivan/Mayor Feinstein to Donna Solomon regarding the Budget for 1980-1981.





- 9) President Cole-Chu announced that he had forwarded copies of the Ordinance and Rules and Regulations to certain individuals.

#### V. Director's Report

- 1) The Office has moved to room #16 at 170 Fell Street. The City Architect and two engineers from City Hall have come to the premises to draw up plans for remodeling of the facilities, and develop bids for the work to be completed.
- 2) Indexing Project: The project is progressing. The first draft of the screening form for input of data is being developed. The Executive Director and Commissioner Payne will meet with E.D.P. personnel to continue developing the program.
- 3) Brochure: Rick Vitrano and Commissioner Vurek are developing the new Rent Board brochure. A copy will be sent to all Commissioners in the next mailing.
- 4) The Planning, Housing, and Development Committee of the Board of Supervisors met on September 16, 1980 and recommended that the Rent Ordinance be extended for one year to November, 1981.
- 5) The Executive Director and Kathryn Pennypacker of the City Attorney's Office will be meeting with representatives of H.U.D. on Wednesday, September 24, 1980.
- 6) Forms for the Office: Included in each Commissioner file is a memorandum of September 4, 1980, with attached forms(samples).

MSC: That the President and the Executive Director meet and continue development and refinement of the new forms, and then present them to the Board for approval(Payne/Flynn:5-0).

#### VI. Appeal Hearing

1840 Franklin Street:

MSC: That the rent shall be \$455.00 per month(

#### VII. Approval of Appeals

- A) 1394-A McAllister Street

MSC: That the appeal on 1394-A McAllister Street be approved (Flynn/Payne:5-0).

- B) 640 Mason Street: The Decision on Appeal will be rewritten for Board approval at a later date.

#### VIII. Director's Report

- 1) Capital Improvements: Amendments to the Rules and Regulations have been proposed by staff to clarify issues and to determine in which cases R.E.D. certification shall be required. Commissioner Flynn will make further recommendations.



- 2) Rules and Regulations- There is no formula to follow for a utility pass-through. This will be discussed as part of a future discussion on Rules and Regulations. However, the recent changes should be incorporated immediately.

IX. Old Business

- 1) Academic researcher is needed to evaluate the impact of the Ordinance. Commissioner Baird will assist the Executive Director in pursuing this search.
- 2) Our request to the Mayor to be funded for Landlord/Tenant Counseling is still pending.
- 3) Six-Month Report- A second draft of the report has been done and will be distributed in its rough form to the Commissioners.

X. Executive Session

To discuss personnel matters.

XI. Adjournment

The meeting was adjourned at





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, September 23, 1980, at 5:00 p.m. at the State Building, 350 McAllister Street, #1195

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I. Call to Order

The meeting was called to order by President Cole-Chu at 5:13 p.m..

II. Roll Call

Commissioners Present: Cole-Chu, Presiding; Baird, Flynn, Lathan;  
Alternate: Payne

Commissioners Not Present: Saunders; Alternates: Bell, Neves, Vurek

Staff Present: Donna Solomon, Rick Vitran

III. Consideration of Appeals

- A) 626-33rd Avenue: Reviewing Officer was Bob Curran; Original Hearing Officer was D. J. Soviero. The landlord had attempted to raise the rents above the guidelines. There was discussion on the original calculations noted in the Findings of Fact. Commissioner Flynn raised the question of whether to ignore the math errors or to base it on the actual reason for the appeal. The Reviewing Officer recommended that the appeal be remanded for another hearing.

There was some concern expressed about the third case of J. Soviero's that had been appealed. Commissioner Lathan commented that the Board should develop consistent guidelines/policies to handle appeals.

MSC: That the appeal be accepted (Flynn/Baird:3-2 with Lathan and Payne dissenting).

- B) 2240 Larkin Street: There was a review of this appeal. The case involved some of the elements of 626-33rd Avenue. There was some discussion on the elements. MSC: Accept/remand (Baird/Flynn:5-0)
- C) 124 Turk Street: Reviewing Officer was Laura Swartz; Original Hearing Officer was Zak Taylor. The case of the Dalt Hotel involved decreases in housing services. There was some discussion about the assistance the Rent Board had offered.

MSC: That the reconsideration for an appeal be denied (Lathan/Flynn:4-1 with Baird dissenting).

- D) 1155 Jones Street: A request for reconsideration of an appeal denial was forwarded to the Board.

MSC: That the appeal be denied (Payne/Flynn:5-0).

IV. Communications

- A) A letter from Wallace Wortman of the Real Estate Department to



President Cole-Chu was forwarded to the Executive Director.

- B) Commissioner Baird had contacted Stanford University regarding a study of the Rent Control Ordinance.
- C) President Cole-Chu reported that the Mayor's Office had requested from names for vacancies on the Rent Board.

V. Director's Report

- A) The Board of Supervisors unanimously passed the continuance of the Rent Ordinance through December 1, 1981.
- B) The second draft of the semi-annual report was completed and distributed.
- C) The Travis Campbell case undergoing litigation is still pending with Judge Ira Brown.
- D) The Executive Director announced that a case meeting with CETA was successful, and one (1) CETA position was given to the Rent Board.
- E) The Executive Director announced that her trip to New York was good. She met with the Rent Control Board of New York City, and gave a report of that meeting. New York's controls are more stringent than San Francisco's.

VI. Approval of the Minutes of August 21, 1980, September 2, 1980, September 8, and September 16, 1980

MSC: That the minutes be approved as amended (Baird/Payne:5-0).

VII. APPEAL HEARING 4450 - 20th Street

MSC: That the Executive Director shall evaluate the expenses and report back to the Rent Board (Baird/Lathan:5-0).

VIII. Approval of Appeals

640 Mason Street: The decision will be reviewed by the President.

IX. Old Business

- A) Budget: The budget will be submitted in complete form after a bid is received from the Department of Public Works.
- B) The Rules and Regulations will be on the agenda for the next regular Board meeting for recommendations by the Rent Board on the preparation for a public hearing.

X. New Business

Commissioner Baird requested a form be designed for use by landlords in justifying a rent increase based on increased operating expenses.

XI. Calendar Items

The next meetings of the Rent Board will be Tuesday, September 30, & Tuesday,





October 7, 1980.

XII. EXECUTIVE SESSION

XIII. Adjournment

The meeting was adjourned at 9:30 p.m..





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday, September 30, 1980, at 5:00 p.m. at the State  
Building, 350 McAllister Street, #1195

I. Call to Order

The meeting was called to order by President Cole-Chu at 5:15 p.m..

II. Roll Call

Commissioners Present: Cole-Chu, Presiding; Baird, Flynn, Lathan, Saunders;  
Alternate: Payne  
Commissioners Not Present: Alternates: Bell, Neves, Vurek  
Staff Present: Donna Solomon

III. Consideration of Appeals

- A) 917 Cole Street: The landlord appealed for an increase for interest charges. Although the interest was not documented, there were several other errors: 1) the increased operating cost for water should not have been considered because all operating costs were not presented; 2) PG&E was allowed only above the CPI, whereas the Rule now is to allow a direct pass-through; 3) there are twelve (12) total units (including two commercial units) rather than ten (10) units; and, 4) the Board has policies regarding interest of which the Hearing Officer was not informed.

MSC: That the appeal be accepted de novo (Flynn/Saunders:4-1 with Baird dissenting).

- B) 1251-10th Avenue: The landlord appealed as she did not appear at the first hearing.

MSC: That the appeal be accepted and remanded to a Hearing Officer (Saunders/Flynn:5-0).

IV. Director's Report

- A) The National Consumer Education week celebration is Tuesday, October 7, 1980, from noon to 1:30 p.m. in Union Square. The Rent Board will have a table which will be staffed by the President of the Board; Leeland Cole-Chu, a member of the Staff; Tyrone Mitchell, and a Hearing Officer; Susan Girtler.
- B) The Rent Board has requested two (2) additional CETA positions. A decision will be made this week on whether we obtain these positions.
- C) The copy for the brochure will be held up until we have formed policies on utilities and capital improvements. Tyrone Mitchell is doing the Spanish translation. Jan Vurek is contacting someone to do the Chinese translation. Jan is also donating the services for typesetting and art work.



- D) On Wednesday, September 24, 1980, Donna Solomon and Kathryn Pennypacker met with William Harrison of H.U.D.. In San Francisco, they have 8100 units in subsidized projects and 3500 units in unsubsidized complexes, i.e., where the mortgage is insured. All these units are exempt from the San Francisco Ordinance. However, they are protected by H.U.D.'s rent controls.

One new idea which developed in the meeting was the possibility of developing a pool of Section 8 subsidies. If the Mayor requests, H.U.D. could set aside subsidies for 50 units referred by the Rent Board. The Housing Authority already has requirements for Section 8; the Rent Board would determine conditions of referral.

Commissioner Flynn said there are not many areas in San Francisco where the upper limits of H.U.D. would be high enough to qualify for the Section 8 subsidy. The questions which need to be answered are:

1) would these be 50 additional units for San Francisco, and, 2) would we serve only as a referral.

- E) The Rent Board has arranged to use Room 17 at 170 Fell Street for hearing for the next two months. We will pay \$200.00 per month for the use of the room on a temporary basis, until a lease can be approved by the Board of Supervisors.
- F) All Commissioners received in today's mail copies of forms for implementation of the new section of the Rules and Regulations dealing with legal action for wrongful eviction. These forms will be approved at the next Board meeting.
- G) Completion of the annual report is awaiting comments from the Commission on the second draft.
- H) The Executive Director will meet tomorrow at 3:00 p.m. with Data Processing to answer some final questions for them which will tie up loose ends to make the program stable. They will also let us know what regular times are available for us to do weekly input.
- I) The Executive Director met with Sam Pena of Mission Planning Council about participating in an upcoming workshop they are sponsoring.
- J) RAP (Rehabilitation Assistance Program) is interested in getting out of the business of regulating rents. They have drafted proposals for putting RAP under the Rent Stabilization Ordinance.

Commissioner Flynn indicated that we should not include any State loans. RAP loans cover 4-unit owner occupied and vacant units, both of which are not covered by the Rent Board. The proposal calls for the Rent Board setting rents initially on all rental units in buildings which have RAP loans. The Board would like Ms. Melnikow from RAP and the City Attorney to speak to the entire Board about this issue.

#### V. Appeal Hearing

2661 California Street:

MSC: The rent shall be raised to \$310.75 plus \$6.50 for utilities for a total of \$317.25 per month (Flynn/Baird:5-0).





## VI. Remarks from the Public

Mr. Click, formerly a tenant of 925 Page Street, appeared before the Board to determine whether any assistance could be given to him regarding his recent eviction. He had petitioned the Board when his rent was increased from \$125.00 to \$350.00. His rent was set by the Board according to the guidelines. His subsequent rent checks were refused by the person whom he had been informed was the building manager. (This person also resided in the building). In due course he was evicted for non-payment of rent. In the eviction proceedings, it was found that his tenancy was beyond the jurisdiction of the rent ordinance because he lived in a 4-unit owner-occupied building. In addition, he was ordered to pay over \$1,000.00 in back-rent and his car was impounded. Mr. Click was advised to seek further legal advice, and it was determined that the Rent Board would take no action in this case.

## VII. Rules and Regulations

Recommendations were presented by Donna Solomon, Dorothy Lathan, and Russ Flynn in addition to the recommendation provided at the previous meeting by Lee Cole-Chu.

MSC: That the Rent Board adopt an amendment to the utilities regulation in principle according to recommendations discussed(Baird/Lathan:5-0).

Other amendments were discussed regarding interest and capital improvements

MSC: That the Rent Board approve amendments on interest and capital improvements to be propounded for public hearing (Baird/Flynn:5-0).

A public hearing will be held on Tuesday, October 14, 1980, at 7:00 p.m. in the State Building, 350 McAllister Street, Room 1195, San Francisco.

## VIII. Adjournment

The meeting was adjourned at 10:45 p.m..





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday, October 7, 1980, at 5:00 p.m., at the State Building  
350 McAllister, #1195

I. Call to Order

The meeting was called to order by President Cole-Chu at 5:15 p.m..

II. Roll Call

Commissioners Present: Cole-Chu, Presiding; Baird, Flynn, Saunders  
Commissioners Not Present: Lathan; Alternates: Bell, Neves, Payne, Vurek  
Staff Present: Donna Solomon, John Blackburn

III. Consideration of Appeals

- A) 875 Dolores #1: Reviewing Officer was Boots Whitmer. The Original Hearing Officer was Dwayne Kunath. The landlord petitioned for an appeal because the Hearing Officer denied any rent increase. The Hearing Officer found housing code violations, with substantiation, and denied the increase. The issue of debt service was contested; the Hearing Officer did not allow the increase because of the failure to submit comparables in seeking an increase for increased debt service.

The Reviewing Officer recommended that the appeal be accepted.

MSC: That the appeal be accepted and REMANDED to the same Hearing Officer with instructions to determine the condition of the units when the tenant began occupancy and also to determine if the tenant had ever requested any repairs be done/made (Flynn/Saunders:4-0).

- B) 2321 Scott Street: Reviewing Officer was Boots Whitmer. Original Hearing Officer was Rick Warren. The landlord appealed on the grounds of room-mate issue. The Hearing Officer found that since the landlord had been accepting the check of the new roommates all along, that they were in fact tenants. The Hearing Officer did allow a 7% increase plus an increase of \$60.00 per month for the three (3) additional roommates.

The Reviewing Officer recommended that the appeal be denied.

MSC: That the appeal be denied (Saunders/Flynn:4-0).

- C) 1531 Page Street: Reviewing Officer was Susan Girtler. Original Hearing Officer was Marty Lerner. The tenant appealed on the contention that no decision was rendered in the case. Landlord had rented large flat to one person with understanding that roommates would be brought in. Landlord then reduced the rent, regardless of number of roommates.

Tenant filed a petition because of the decrease from the landlord, and the smaller number of "roommates", her rent was actually increased.



The Reviewing Officer recommended that the appeal be accepted and remanded to the Hearing Officer to determine if there was a rent increase, and if it is/was justified.

MSC: That the appeal be denied(Flynn/Saunders:4-0).

- D) 2134 Green Street: The Reviewing Officer was Skip Hewlett. The Original Hearing Officer was Susan Girtler. This case was appealed and remanded; a new hearing was held on August 11, 1980. The landlord sought to raise the rent 17.7%, for operating expenses, The landlord also contended that he was going to replace the roof(\$10,000.00), paint(\$10,000.00), and replace the boiler(\$2,000.00), and that the rent increase was partially for these "anticipated expenses."

The Hearing Officer granted an increase for operating/maintenance expenses and amortized the burglar alarm over a 5-year period, but did not grant an increase for "anticipated expenses."

The Reviewing Officer recommended that the appeal be denied, except to accept it to change some math calculations.

MSC: That the appeal be accepted de novo(Flynn/Saunders:3-1 with Cole-Chu dissenting).

- E) 1245 California Street: The Reviewing Officer was Donna Solomon. The Hearing Officer was Ruth Astle. The landlord had imposed a rent increase after only 11 months of occupancy. The landlord then withdrew the rent increase with the Board, but never did so in writing. The hearing was held. Hearing Officer decreased the rents for decrease in housing services.

The Reviewing Officer recommended that the appeal be accepted and remanded to a new Hearing Officer.

MSC: That the appeal be accepted and remanded to a new Hearing Officer (Baird/Flynn:4-0).

#### IV. Approval of the Minutes

The minutes of the meetings will be available for review/approval next week.

MSC: That Ruth Astle(Hearing Officer) not be scheduled for anymore cases until a review by the Executive Director of all her previous cases and a report is returned to the Board(Flynn/Saunders:4-0).

#### V. Communications

- 1) Supervisor Kopp sent a letter to the Rent Board regarding the John Muir Apartments and decreased services. A copy of the Executive Director's response was distributed to the Commissioners.

#### VI. Director's Report

- 1) The Rent Board has received approval for an additional CETA position. This position will be the "Decision Clerk" and will review all decisions for clerical and mathematical mistakes before the decisions are mailed out.





- 2) OCD Budget: The Office of Community Development Budget was submitted to the Board of Supervisors and the matter was continued for one (1) week. The Finance Committee of the Board of Supervisors recommended that the \$32,000.00 be given to the Rent Board to expand landlord/tenant counselling services. Supervisor Britt introduced an amendment to give the money to the Peoples Law School, San Francisco Tenants Union, and the Eviction Defense Center.
- 3) The Board of Supervisors has developed a program to assist in the rehabilitation of Residential Hotels in San Francisco, through the Real Estate Department and the Bureau of Building Inspection.
- 4) Brochure: The brochure is being printed after the public hearing on utilities and capital improvements.
- 5) With regards to the National Consumer Education Week: The Rent Board had a table staffed at Union Square by Lee, Ty, and Susan.
- 6) Forms: The Forms for Eviction complaints have been continued one week.

#### VII. Remarks from the Public

Floyd Turnquist addressed the Board on two issues:

- a) administration: the Board needs more phone lines, more staff, and training and testing of staff; and,
- b) the policy that the landlord must absorb the first 17% of the increase in operating costs.

#### VIII. Approval of Appeals

MSC: That the decision on 1840 Franklin Street and 640 Mason Street be approved(Baird/Saunders:4-0).

The rent for 4450-20th Street shall be \$285.50 which is reached as follows: base rent of \$235.00, plus 13% guideline of \$30.55, plus \$19.15 capital improvements.

#### IX. Old Business

- A) There will be a public hearing for amending the Rules and Regulations on Tuesday, October 14, 1980.
- B) Budget: Discussion of extending the 9-month budget to 12-months and adding capital improvements was carried out.

MSC: That the Board approve the 12-month budget of \$188,455.00 which includes an annual budget of \$176,899.00 plus \$11,546.00 for capital improvements(Baird/Flynn:3-0).

#### X. Adjournment

The meeting was adjourned at 9:40 p.m..







MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, October 14, 1980, at 5:00p.m. at the State Building, 350 McAllister, Room 1195

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### I. Call to Order

The meeting was called to order by President Cole-Chu at 5:30 p.m..

### II. Roll Call

Commissioners Present: Cole-Chu, Presiding; Baird, Flynn, Lathan, Saunders  
Alternate: Payne

Commissioners Not Present: Alternates: Bell, Neves, Wurek

Staff Present: Donna Solomon, John Blackburn

### III. Consideration of Appeals

- A) 784 Carolina Street: Tenants appealed because they felt the costs of building a studio apartment were being passed onto them. The Reviewing Officer was Randy Choy. The Original Hearing Officer was John Fisher.

MSC: That the appeal be accepted and remanded to the same Hearing Officer to distinguish between Capital Improvements and Operating Costs and to determine the increase of all operating costs from 78/79 to 79/80 (Lathan/Flynn:5-0).

- B) 120 Pierce Street: Reviewing Officer was Randy Choy. The Original Hearing Officer was Susan Girtler.

MSC: That the appeal be remanded for computation of the utilities in accordance with the Board's regulation on that subject, and that there be no rent increase until 12 months after the imposition of the last increase (Baird/Flynn:5-0).

- C) 1266 De Haro: Reviewing Officer was Donna Solomon. The Original Hearing Officer was Laura Swartz.

MSC: That the appeal be remanded due to non-appearance of the appellant (Flynn/Lathan:5-0).

- D) 1606 Church Street: Reviewing Officer was Donna Solomon. Original Hearing Officer was Ruth Astle.

MSC: That the appeal be remanded to 1) find out whether there was agreement between the parties when they moved to the new unit and, 2) absent such a finding, to invoke vacancy decontrol (Baird/Saunders:1-4).

MSC: That the appeal be accepted and heard de novo (Flynn/Lathan:4-1 with Baird dissenting).



MSC: That Ms. Astle continue to act as a Hearing Officer (Saunders/Baird:4-1 with Flynn dissenting)

IV. Communications:

- 1) A letter was received from a tenant who had received an eviction notice for filing a petition for arbitration.

V. Director's Report

- A) The District Attorney is prosecuting a landlord for violations of the Ordinance. The trial is set for October 23, 1980.
- B) The Annual Report of the Board is in each Commissioner's file. Please review and submit comments to the Executive Director by the next general meeting. This document will be reproduced by the Word Processor in the City Attorney's Office.
- C) The Indexing Project is underway. Case summaries will be included in each case file for the Hearing Officer to file out and submit with their Findings of Fact/Conclusions of Law.
- D) Budget: Our request for additional monies will have to be submitted to the Finance Committee. The Executive Director will submit a supplemental appropriation to the Board of Supervisors.
- E) Forms: The forms for legal action regarding evictions are ready.

MSC: That the forms be approved as amended(Baird/Flynn:5-0).

- F) The Board of Supervisors discussed the O.C.D. Budget. The Finance Committee recommended \$32,000.00 be given to the Rent Board for expansion of landlord/tenant counselling services, and that \$32,000.00 be awarded to Peoples Law School for the same(on amendment by Supervisor Britt and Walker). The Board of Supervisors will have to determine where the additional funds will come from.

VI. PUBLIC HEARING: Proposed amendments to the Rules and Regulations regarding Utilities and Capital Improvements/Rehabilitation Work.

MSC: That the amendments be adopted as changed; Section 1.22 Tenant's Utilities(Flynn/Saunders:5-0).

MSC: That the amendments be adopted as changed: Section 9.11 Capital Improvements/Rehabilitation Work(Flynn/Baird:5-0)

MSC: That the Board defer any discussion on amendments regarding Section 8.14, Decisions of the Board(Lathan/Baird:3-2 with Flynn and Saunders dissenting).

VII. Approval of the Minutes of September 23, 30, 1980 and October 7, 1980

MS: That the minutes be approved as amended(Flynn/Baird)

The minutes of September 30, 1980 were amended by the inclusion of wording by Commissioner Payne and will be approved at a later date.

MSC: That the minutes of September 23, September 30, and October 7, 1980 be approved as amended(Baird/Bell:4-0).



VIII. Approval of Appeals

MSC: That the appeal be approved as amended(Flynn/Baird:5-0).

IX. Old Business

Commissioner Baird had no success with Stanford University in seeking their assistance in studying the Rent Ordinance in the City and County of San Francisco.

X. Adjournment

The meeting was adjourned at 8:40 p.m..

10/16/80:jsb







MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, October 21, 1980, at 5:00 p.m. at the State Building, 350 McAllister, Room 1195

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I. Call to Order

The meeting was called to order by President Cole-Chu at 5:15 p.m..

II. Roll Call

Commissioners Present: Cole-Chu, Presiding; Baird, Saunders; Alternates: Bell, Payne

Commissioners Not Present: Flynn, Lathan; Alternates: Neves, Vurek

Staff Present: Donna Solomon, John Blackburn

III. Consideration of Allegation of Wrongful Evictions

- A) 1562 Vallejo Street #1: Tenant is Thomas Cullen. Landlord is Steve Tanimura. Tenant used to manage apartment building. Landlord terminated employment of tenant. Landlord noticed the tenant to vacate for the use and occupancy of his daughter, who will become the new manager. There were four units vacant when the tenant received the notice, but the manager's unit is a studio, and the other units were larger.

MSC: That the Rent Board not find a violation under Section 11.12, and finds insufficient cause to bring legal action against the landlord(Baird/Saunders)

- B) 1855-10th Avenue #14: Tenant is Joanne Handley. Landlord is Paul Chelew. Two other units in the building had received notices to vacate. One of the other tenants did file a petition for a hearing on this matter, also, and the person was present at this hearing. Both cases were consolidated into one hearing. The three tenants being asked to vacate their units are all the longest residents of the building, and are the poorest of the least rent.

The landlord withdrew all three notices to vacate. The tenant did not submit a letter from the newly formed tenant's union in the building to the landlord regarding the eviction notices.

MS: That the Rent Board staff get statements from all parties concerned and report back to the Board at some future date(Baird/Bell:2-2 with Cole-Chu and Saunders dissenting).

There was some discussion on the Ordinance not authorizing staff to screen or make final decisions on cases pending for arbitration hearing.



#### IV. Consideration of Appeals

- A) 215 Otsego: The Reviewing Officer was Doug Boven; the Original Hearing Officer was Gil Brigham. The issue is whether the Board has the authority to enter an order invalidating an agreement regarding the repayment of the security deposit. The appeal was also based on hardship. The rent had been increased in January, 1980 from \$350.00 to \$400.00 per month. The tenant couldn't pay rent in February so the security deposit was used for that months' rent. The landlord requested a rent increase effective August 1, 1980, from \$400.00 to \$500.00 per month and also that the security deposit be repaid. The tenant got the landlord to sign an agreement to repay the security deposit at \$20.00 per month.

MSC: That the Board deny the appeal (Baird/Saunders:4-0).

- B) 1369 Hyde Street: The Reviewing Officer was Susan Girtler; the Original Hearing Officer was Brian Stubbs. The landlord increased the rent 10%. The tenant petitioned. The Hearing Officer allowed 7% plus PG&E pass-through of 3%. The tenant appealed on hardship. The tenant receives \$350.00 per month from Social Security, and claimed that documents for PG&E expenses were from buildings other than the building in question. The Reviewing Officer recommended denying the appeal.

MSC: That the Board accept the appeal and remand it to the same Hearing Officer for findings as to whether or not checks for utilities covered the building in question only, and separate the utility increase from the rent increase, and that copies of the PG&E bills be inserted into the permanent file (Saunders/Bell:4-0).

- C) 2735 McAllister Street #18: The Reviewing Officer was Susan Girtler; The Original Hearing Officer was Jerry Fishkin. This appeal involved two tenants who moved into the unit at different times; tenant Collady moved in August 7, 1978, and tenant Roome moved in August 10, 1979. The rent was \$350.00 per month.

The Hearing Officer allowed a "banked" amount to be passed on where there was no "banked" amount allowed. The Hearing Officer denied a PG&E increase because there was no documentation in the file.

There was a provision in the lease that the rent would be reduced \$45.00 if the rent was paid before the fourth of the month.

The Hearing Officer allowed 20% increase. The Hearing Officer denied a PG&E increase because there were no separate meters and because of the "conduct" of the tenants in not conserving utilities. The landlord appealed.

The Reviewing Officer recommended accepting the appeal and hearing it de novo.

MSC: That the Board accept the appeal de novo (Saunders/Bell:4-0)



- D) 2325 Bay Street: The Reviewing Officer was Marty Lerner; the Original Hearing Officer was Laura Swartz. The tenant appealed the decision based on the "timeliness" of the filing of the petition, and that the Board had no jurisdiction to hear the case. The Hearing Officer set the rent at \$700.00 per month effective September 1, 1980, and ordered the tenant to pay the landlord the difference from \$374.50 to \$650.00 for the months of August and September.

The landlord filed an unlawful detainer action for August rent after the tenant filed a petition with the Board. The parties stipulated in court that the tenant would vacate the premises by October 1, 1980.

The tenant appealed that the Rent Board had jurisdiction and the Board had no jurisdiction to determine findings that were inconsistent with the unlawful detainer stipulation.

MSC: That the Board accept the appeal and remand it to the same Hearing Officer with instructions to consider the Municipal Court judgement and to enter a decision in accordance with it(Baird/Bell:4-0).

#### V. Appeal Hearing

2134 Green Street: The landlord appealed the decision of the Hearing Officer. However, his partner sent a letter, delivered to the Rent Board the afternoon of October 21, 1980. The Board agreed to continue the hearing to Monday, November 3, 1980.

#### VI. Minutes

MSC: That the Board approve the minutes of September 23, 1980, September 30, 1980, and October 7, 1980 as amended(Baird/Bell:4-0).

MSC: That the Board approve the minutes of October 14, 1980 as amended(Saunders/Baird:4-0).

#### VII. Communications

- 1) A letter was received from Joe Lacey, Chairman of Old St. Mary's Housing Committee, to Leeland Cole-Chu, regarding 1245 California Street.
- 2) A letter was received from Robert P. Gates to Donna Solomon resigning as a Hearing Officer due to lack of time.
- 3) A letter was received from Dale Harrington of Grubb and Ellis to Donna Solomon to express appreciation for assistance.
- 4) A letter was received from Mark Coby to Leeland Cole-Chu requesting reconsideration of an appeal and the reason for the denial of that appeal.

MSC: That there is no procedure for reconsideration of appeals. The basis for denial is the upholding of the decision of the Hearing Officer(Baird/Bell:4-0).

- 5) A letter was received from Ruth Astle, a Hearing Officer, regarding





her position as a Hearing Officer. She presented the letter personally. Mr. Lacey was also in the audience and spoke to the Board about 1245 California Street.

### VIII. Appeal Hearing

917 Cole Street

MSC: That the new base rent be \$296.82 per month and that the utility pass-through be \$12.39 for a total of \$309.21 per month.

MSC: That the utility pass-through apply for the July, August, September, and October periods only.

### IX. Director's Report

- 1) A press conference was held at the Rent Board on Tuesday, October 21, 1980 at the Rent Board office regarding legal action on wrongful eviction, rent increases due to capital improvements, and the utility pass-through. Present from the Rent Board were President Leeland Cole-Chu, Commissioners Russ Flynn and Ralph Payne; also Supervisor Don Horanzy. The press included the San Francisco Examiner, Channel 2(KTVU), KYA, and KMEL. Calls for information were also received from the Progress, Chronicle, KGO, and KCBS.
- 2) The brochure is going to the typesetter (Jan Vurek) on Thursday, October 23, 1980.
- 3) The Executive Director met with Catholic Social Services regarding a community outreach program in their 62 parishes. They are contacting each parish and will present forums in all interested parishes. Each forum will be tailored to the desires of the individual parishes. Some will direct their program to members; others will concentrate on the community at large. There was also discussion of developing a slide show. They are also putting together a Tenant's Rights handbook.
- 4) Budget: A letter was sent to the Clerk of the Board of Supervisors for referral to committee of our request for \$11,546.00 for capital improvements to the Rent Board offices. This request was submitted by itself upon recommendation of Ray Sullivan.
- 5) The Executive Director met with Richard LeGates, Director of The Urban Center at San Francisco State University, regarding an impact study of the Ordinance.

MSC: That the Executive Director ask the Urban Center to submit a proposal to the Rent Board for designing and seeking funding for an impact study(4-0).

### X. Calendar Items

The next regular meetings of the Rent Board are scheduled as follows:

Tuesday, October 28, 1980

Monday, November 3, 1980

Wednesday, November 12, 1980





Mission Planning Council is having a housing forum on Monday, October 27, 1980 at which the Executive Director of the Rent Board is one of the speakers. Other topics include fire and police safety, insulation, etc.

XI. Adjournment

The meeting was adjourned at 9:50 p.m..

10/24/80:jsb





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, October 28, 1980, at 5:00 p.m. at the State Building 350 McAllister, Room #1195

I. Call to Order

The meeting was called to order by President Cole-Chu at 5:14 p.m..

II. Roll Call

Commissioners Present: Cole-Chu, Presiding; Baird, Flynn, Lathan; Alternates: Payne

Commissioners Not Present: Saunders; Alternates: Bell, Neves, Vurek

Staff Present: Donna Solomon, John Blackburn, Susan Francis, Wayne Williams

III. Consideration of Appeals

95 Red Rock Way: The Reviewing Officer was Bill Brauer; the Original Hearing Officer was Dwayne Kunath. The landlord appealed the decision on a utility pass-through petition filed by the tenant. The tenant had a six-month lease at \$369.00 per month plus \$16.00 per month for utilities (electric, gas, and water only). At the expiration of the lease, the tenant went on a month to month agreement. The landlord had given a rent increase plus a utility increase, but rescinded the former. The tenant protested on the latter. The Hearing Officer heard the matter on the utility increase from \$16.00 to \$35.00 per month, and separated the gas and electricity from the water and limited the pass-through to what was in the lease [paragraph 28].

The policy questions were 1) does the Hearing Officer have the authority to decide whether a lease is binding, and, 2) does the Hearing Officer have the authority to decide that all or a portion of the lease is void because it conflicts with the Ordinance.

The Reviewing Officer recommended that the appeal be accepted on the record.

MSC: That the Board accept the appeal de novo (Baird/Payne:5-0).

IV. Consideration of Allegations of Wrongful Evictions

- 1) 325 Sutter Street #307: Tenant was John William Wood. Landlord was Tracy Hotels; represented by Mr. Wilhauser. The Tenant was not present at the hearing. The tenant had been served a three-day notice to pay or quit.

MSC: That the Board deny any action on this petition for the non-appearance of the tenant (Baird/Flynn:5-0).

The new staff persons of the Rent Board were introduced: Susan Francis is a C.E.T.A. employee and Wayne Williams is a Civil Service employee. Wayne will be the clerk-typist, and Susan will handle evictions and act as an assistant to the Director.



- 2) 781-33rd Avenue: The landlord was T. K. Yick; the tenant was Michael O'Halloran. Paul Fong represented the owner. The tenant was being asked to vacate the premises in question for the use and occupancy of the owner and his family. Mr. Lim is the real estate agent for the owner. The eviction notice arose out of a dispute over the payment of the PG&E bill. The landlord requested that the tenant pay the bill for his unit and the unit below(an in-law apartment). The cost would be approximately \$160-200 per month. The tenant requested copies of the bills. The landlord claimed that the operating and maintenance expenses had increased. The tenant claimed that his neighbor's PG&E bills were averaging \$35.00 per month. On October 17, 1980 the tenant was served with an eviction notice. The tenant requested a compromise; the landlord refused. The landlord offered the tenant another unit at 228-23rd Avenue, if he would move.

MSC: That the Board deny action on this petition  
(Baird/Flynn:3-2 with Lathan and Payne dissenting).

- 3) 40 Parkridge #11: The landlord was Jack Q. S.Lee; the tenant was Faricita Wyatt. The landlord was represented by Mr. Stein. The tenant received a notice to vacate the premises for the use and occupancy of the landlord's daughter and future son-in-law. The landlord had noticed the entire building for an increase in rent and a utility pass-through. The aforementioned tenant was the only one who filed a petition for arbitration. The tenant testified that she felt that the eviction was in retaliation for her exercising her rights to complain to the Rent Board about the utility pass-through.

The landlord's son had talked with the tenant and offered her apartment #7 in exchange for her own, but a rental price was never discussed.

Landlord's representative stated that there were 12 units in the building. The landlord had issued notices for rent increases effective July, 1979, but later rescinded them. He renoticed the tenants for an increase in July, 1980, of 7% plus \$10.00 for utilities. All of the other tenants in the building paid the increase except for Ms. Wyatt.

The landlord testified that the tenant paid the lowest rent in the building for a two-bedroom apartment. He also testified that his daughter was getting married "in a few months" and was moving into Ms. Wyatt's unit. He also testified that he owned the building in question and his own home, only.

MS: That the Board find a wrongful eviction violation  
(Lathan/Payne:2-3 with Baird, Cole-Chu, and Flynn dissenting)-

Commissioner Cole-Chu asked for a substitute motion to continue the matter for one week so that the daughter could come and testify.

There was some discussion on the substitute motion, and the possibility of the tenant and landlord working out an agreement.

MSC: That the matter above be continued for one week, and be held at the next regular meeting, and that the landlord's daughter be present to present testimony(Flynn/Payne:4-1 with Baird dissenting).





V. Old Business

- A) Real Estate Taxes: Nancy Lenvin, representative for Tenants for Fair Tax Assessments, came before the Board to express concern about the treatment of increased property taxes as operating expenses as interpreted by the Hearing Officers. Ms. Lenvin felt that the tax increase should be added to the debt service provision in the regulations.

MSC: That the Hearing Decisions be checked by the Executive Director to determine the frequency of rent increases based on increased taxes allowed by Hearing Officers and report back to the Board within two weeks (Payne/Baird:5-0).

VI. Consideration of Appeals

- A) 1155 Jones Street(reconsideration): A letter was received from a tenant at 1155 Jones Street asking for reconsideration of her appeal.

MSC: That the Board not accept this appeal (Flynn/Payne:4-0).

- B) 170 Duboce: The landlord appealed because he was not present at the original hearing due to illness.

MSC: That the Board accept the appeal and remand it for a new hearing (Flynn/Payne:4-0).

VII. Approval of the Minutes of October 21, 1980

MSC: That the Board approve the minutes of October 21, 1980 (Payne/Flynn:4-0).

VIII. Communications

- 1) A letter was received by the Mayor from a tenant, complimenting the RRSAB and specifically Hearing Officer Martin Lerner, for their aid in solving their dispute.

IX. Director's Report1) Community Outreach:

- a) Chinatown Community Meeting on Saturday, December 13, 1980, from 10:00 a.m. to noon at the Chinatown library. Initial organizing is being done with Chinese for Affirmative Action. Asian Law Caucus, and Chinatown San Francisco Neighborhood Legal Assistance will also be included.
- b) Hospitality House is holding a Town Hall Meeting, Tuesday, November 18, 1980 at 7:30 p.m..
- c) Mission Planning Council Housing Forum was held Monday, October 27, 1980, where the Executive Director spoke about the Rent Board.
- d) Catholic Social Services is developing an outreach program to include the Mission, Western Addition, and Hunters Point.

Commissioner Lathan left at this point leaving four Commissioners voting.



- e) The Rent Board's brochure is now in the process of being prepared. A single brochure will be printed to include English, Spanish, and Chinese.
- 2) Donna Solomon has been invited by the National League of Cities to be on a panel at their annual meeting in Atlanta, Georgia on December 1, 1980.
- 3) Capital Improvements Budget: The request for \$11,546.00 for the Rent Board office is now on the desk of the Mayor. After her signature is received, it will go to the Board of Supervisors for referral to the Finance Committee on November 12, 1980.
- 4) A draft proposal for a study of the Impact of Rent Stabilization in San Francisco has been received from the Urban Center at San Francisco State University. Richard LeGates, Director of the Urban Center will attend the Board meeting on November 3, 1980 to discuss the proposal.
- 5) Roberta McDonough, Director of Training from the Civil Service Commission had a meeting with the RRSAB staff to discuss implementing the personnel evaluation system in this department. This meeting was held on October 27, 1980.
- 6) Dr. Peter Bullock is now being prosecuted by the District Attorney's Office for violation of the RRSAB Ordinance.
- 7) Channel 7's Ed Leslie was at the Board meeting doing coverage for a story on the rent board to be aired the following week.
- 8) A revised draft of the RRSAB annual report was presented to the Board.
- 9) There has been a large increase in the receipt of wrongful eviction petitions. Of the last 16 petitions received, the reasons given for the evictions were: 6-owner to occupy; 6-no reason stated or a reason not listed in 37.9 (a); and 4-listed reasons which could be just causes other than owner-occupied.

After much discussion by the Board and the Executive Director, it was suggested that the Director review each petition and formulate some type of response for the landlord. Hopefully, this would encourage settlement of the dispute. After screening of the Petition and Response, the Director would then submit an outline of the issues in the Eviction Petition to the Board. Thereafter, the Board would decide whether to hold a hearing.

MSC: That the Wrongful Eviction Petitions be screened and presented to the RRSAB by the Director (Baird/Flynn:4-0).

- 10) There was discussion by the Board on different ways to compute Operating Expenses and Capital Improvement Costs.
- 11) It was suggested by Commissioner Baird that a de novo hearing form be prepared which explained the burden of proof.



X. Calendar Items

The next regular meetings of the Rent Board are scheduled as follows:

Monday, November 3, 1980

Wednesday, November 12, 1980

XI. Adjournment

The meeting was adjourned at 10:30 p.m..

10/31/80:jsb





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Monday, November 3, 1980, at 5:00 p.m. at the State Building  
350 McAllister, Room #1195

I. Call to Order

The meeting was called to order by President Cole-Chu at 5:10 p.m..

II. Roll Call

Commissioners Present: Cole-Chu, Presiding; Baird, Flynn, Saunders; Alternate:  
Bell, Neves, Payne

Commissioners Not Present: Lathan; Alternate: Vurek

Staff Present: Donna Solomon, John Blackburn, Susan Francis

III. Old Business

Dr. Richard Le Gates, a professor with the Urban Study Center at San Francisco State University, spoke to the Board on the proposal submitted to him by the Board for an impact study of the Rent Ordinance on the City and County of San Francisco.

There was some discussion on the raising of rents and increased evictions as a result of the Ordinance, and what the affect of the Ordinance was.

There were further questions raised about what questions would be worth asking, how many questions, study methodology.

Commissioner Baird volunteered to work on a sub-committee of the Board to review the U.C.L.A. study and report back to the Board on his findings.

There were some comments about the Citizens' Housing Task Force's efforts to study the impact of the Ordinance and their recommendations. There were also comments on the duplication of efforts by the C.H.T.F. and the proposed impact study.

IV. Consideration of Appeals

Tenants of Manuel Dudum; 755/15; 765/6, 7, 10; 775/2, 4, 5, 10; 785/6; 795/4, 5, 7, 10 Burnett Street (31): The Reviewing Officer was Susan Bloom. The Original Hearing Officer was Elaine Lee.

The case was brought before the Board by the landlord on a landlord petition to raise the rents above the guidelines due to increased operating and maintenance expenses. The Hearing Officer found many of the cost to be capital improvements and amortized them. Although the landlord did not claim comparable rents as an issue, he submitted evidence at the hearing on comparables to bolster his argument for an increase in operating and maintenance costs. The Hearing Officer granted an increase on the issue of comparables, a significant part of the rental increase.

Considering the issue of comparables, the tenants and counsel asserted that they were not an issue. The tenants appealed the decision of the Hearing Officer.

DOCUMENTS DEPT.  
NOV 10 1981





The Reviewing Officer recommended accepting the appeal to correct errors in the findings of the Hearing Officer as to the issues outlined .

There was some discussion on the tenant's study of comparables being more complete as far as length of tenancy; the landlord had taken many comparables from newer tenants in the same general area.

MSC: That the Board accept the appeal on the record as to all other matters, and de novo on the issue of comparables (Baird/Neves:4-1 with Flynn dissenting).

V. Consideration of Allegation of Wrongful Evictions: Hearing: 40 Parkridge #11

This matter was continued from the meeting of October 28, 1980, at which time the Board asked the landlord to have his daughter come and testify to the Board on her moving into the apartment after Ms. Wyatt moved out.

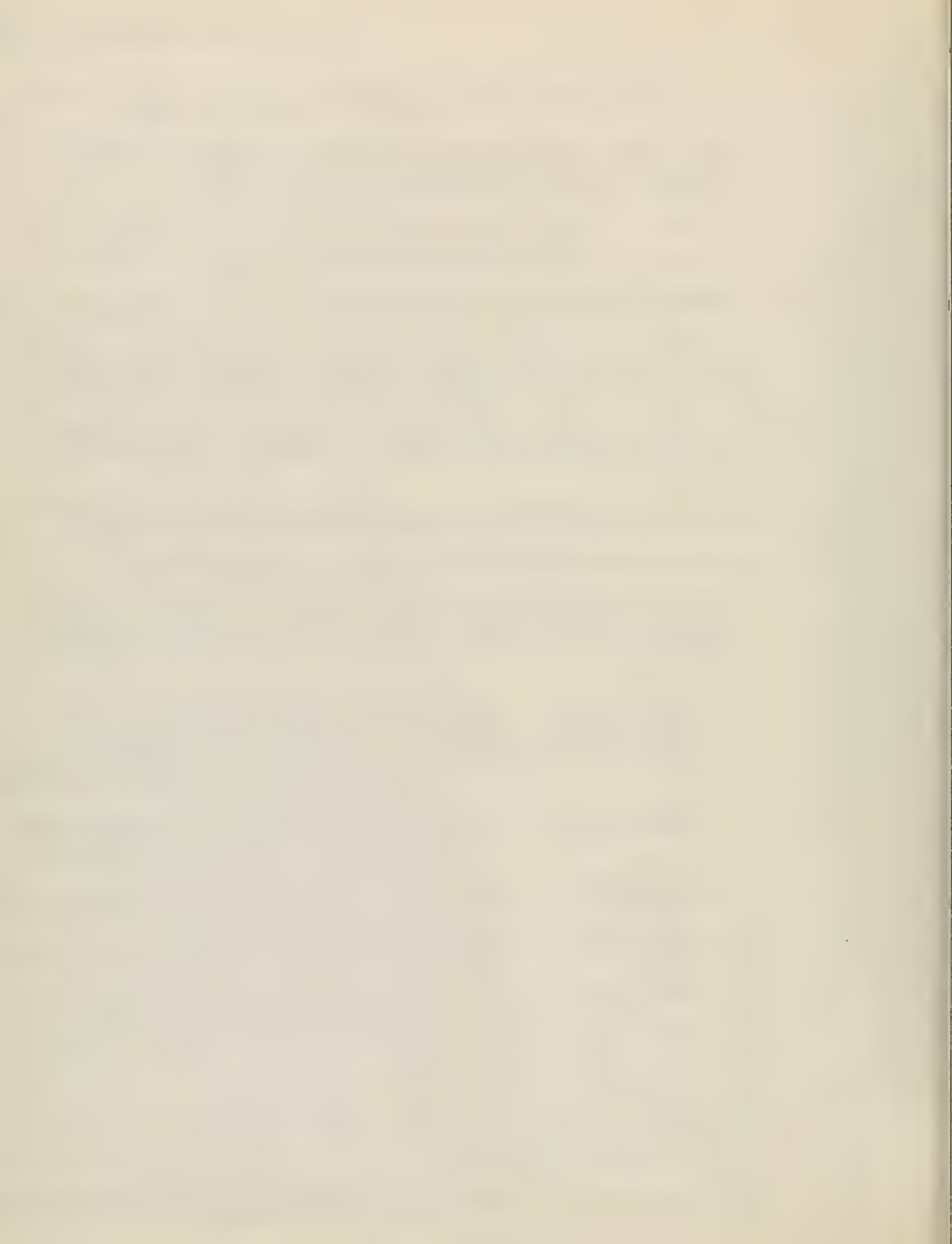
The landlord and the tenant announced that they had reached an agreement. The tenant would remain in occupancy until February, 1981, with the rent remaining the same.

A memorandum was submitted to the Board for its file of the conversation between the landlord and tenant whereby the agreement was reached.

Report from the Executive Director on Eviction Petitions Received

Susan Francis and Donna Solomon reviewed the pending petitions before the Board, at the Board's request. Each case has had a file made for it, and contact has been made with the landlord and tenant to obtain statements from each party.

- 1) 1266-9th Avenue: MSC: No Action (Saunders/Flynn:5-0).
- 2) 5555 Mission St.: MSC: Postpone One Week (Saunders/Neves:5-0).
- 3) 2863-23rd St.: MSC: Postpone One Week (Saunders/Neves:5-0).
- 4) 2271 Fulton St. #2: MSC: No Action except send letter to landlord stating that Rent Board relying on landlord to withdraw notices (Flynn/Saunders:5-0).
- 5) 30 Elizabeth #3: MSC: Schedule before the Board for the next regular meeting and to contact new owner for affidavit (Saunders/Flynn:4-1 with Baird dissenting).
- 6) 2-15th Avenue: MSC: Continue One Week (Baird/Flynn:5-0).
- 7) 521 Gates: MSC: Schedule a hearing before the Board for the next regular meeting (Saunders/Flynn:5-0).
- 8) 4450-20th St.: MSC: No Action (Baird/ Flynn:5-0).
- 9) 1944 Anza: MSC: Schedule a hearing before the Board for the next regular meeting (Flynn/Baird:5-0).
- 10) 1218-41st Ave.: MSC: Postpone One Week pending further contact with landlord's attorney (Baird/Neves:5-0).
- 11) 1311-48th Ave.: MSC: Postpone One Week and send form to identify party who is moving in; if no response, schedule a hearing (Neves/Saunders:5-0).
- 12) 55 Carrizal: MSC: No Action (Flynn/Neves:5-0).
- 13) 246 McAllister #10: MSC: Schedule a hearing before the Board for the next regular meeting (Flynn/Neves:5-0).
- 14) 2055 California #10: MSC: Schedule a hearing before the Board for the next regular meeting (Baird/Flynn:5-0).
- 15) 47 Landers: MSC: Postpone One Week pending further documentation regarding conversion to one unit (Flynn/Saunders:



- 16) 49 Landers: MSC: Postpone One Week and send declaration to landlord regarding occupancy (Flynn/Baird:4-0)

NOTE: #15 and #16: Commissioner Neves was excused from voting (Flynn/Saunders 5-0).

NOTE: For information on each case, please see attached REPORT ON WRONGFUL EVICTION PETITIONS

#### VI. Approval of the Minutes of October 28, 1980

The Board passed approval until the next meeting on November 12, 1980.

#### VII. Communications

- 1) A copy of a letter from the Deputy City Attorney Kathryn Pennypacker to Supervisor Kopp was received, regarding the 45-day time limit for arbitration hearings after the petition is filed. The City Attorney's Office had concluded that the time limit is directory and not mandatory.
- 2) A letter was sent to Mr. Wally Wortman, Director of the Real Estate Department from Donna Solomon, explaining the options that a landlord has if he/she seeks to impose a rent increase of ten (10%) percent or less based on costs for capital improvements and/or rehabilitation work.
- 3) A letter was sent to Judge Figone recommending sentencing for Dr. Bullock who had been convicted of a violation of the Rent Ordinance. Ms. Solomon suggested an alternate sentence might have greater impact on the future actions of Dr. Bullock, and also increase public awareness of the Ordinance.
- 4) A draft of a letter was presented to the Board from Ms. Solomon to Judge Roy Wonder and the Clerk of the Municipal Court suggesting a meeting to discuss evictions.

#### VIII. Appeal Hearing

2735 McAllister Street #18: The Original Hearing Officer was Jerry Fishkin. The Reviewing Officer was Susan Girtler. The landlord appealed the decision of the Hearing Officer. Tenants were given a discount on their rent if they paid their rent promptly. The agreement between the tenant and landlord also stipulated that the landlord would pay only up to \$25.00 for utilities and the tenants would pick up the balance. The landlord sought to raise the rent and pass 50% of the utilities on to the tenants.

MSC: That the base rent be \$350.00 per month with a 13% guideline amount increase and that the \$45.00 rebate arrangement be confirmed; that the tenant be required to pay 50% of the PG&E bill; and that the effective date of the rent increase is to be August 4, 1980, and the tenants are to pay 50% of the PG&E bill starting with the first bill received after August 4, 1980 (Saunders/Baird:4-1 with Flynn dissenting).

#### IX. Director's Report

- 1) Community Outreach: Catholic Social Services at Mission Dolores



is to present a forum on tenant's rights on November 16, 1980.

- 2) There will be a Town Hall Meeting at Hospitality House on Tuesday, November 18, 1980.
- 3) The new brochure for the Rent Board has not yet gone to the printers. It is now being discussed as to whether the Chinese and Spanish translations shall be separate brochures.
- 4) The Rent Board's Annual Report is now available at the printers and will be distributed next week.
- 5) The Executive Director attended a meeting of the Management Council of San Francisco. Ed Gerber, Legislative Advocate for San Francisco, discussed State legislation. There was one bill pending which dealt with tax assessment for change of ownership of property.
- 6) Procedures have been developed for the handling of Wrongful Eviction Petitions by the Director and Staff.
- 7) The swearing-in of all Commissioners has been tentatively scheduled for Friday, November 14, 1980 at 11:30 a.m..
- 8) The Mayor's Office has been considering candidates for Commissioner Baird's alternate. The decision has been held up due to the fact that the Mayor has been out of town, and has not yet met the candidates.

#### X. Approval of Appeals

917 Cole Street: This case on appeal pending decision approval has been continued one week to the meeting of November 12, 1980.

#### XI. Calendar Items

- A) The next regular meeting of the Rent Board is scheduled for Wednesday, November 12, 1980.
- B) An Executive Session of the Rent Board will be held Thursday, November 6, 1980.

#### XII. Adjournment

The meeting was adjourned at 10:00 p.m.

President Cole-Chu requested that the Executive Director set up a staff meeting to which he can attend.





REPORT ON WRONGFUL EVICTION PETITIONS1. 1266 - 9th Avenue

This petition was filed without a written eviction notice or any other supporting papers. The tenant stated he has been living in a mortuary and working there in exchange for rent. When he and his wife installed a "mini-type" washer/dryer, the landlord, aka his employer, told him he had to move out. The tenant stated he plans to move out because he will no longer be working for the landlord.

Recommendation: Dismiss the petition.

2. 5555 Mission Street #3

A copy of the eviction notice enclosed with the petition states "numerous reasons" as the cause for the eviction. One of the landlords, George Kartsiokas, stated that there were many reasons for evicting these tenants. He was informed that he must specify these reasons in the eviction notice; also that the reason stated must be one of the just causes for eviction. He stated he will turn the matter over to his attorney.

Recommendation: Postpone for one week

3. 2863-23rd Street

No written notice was included with this petition and we have not been able to reach the landlord or the tenant.

Recommendation: No action until petition is complete

4. 2271 Fulton Street #2

The reasons stated in the eviction notice, dated September 2, 1980, "that the entire building be vacated." Mrs. Mandel, a representative for St. Mary's Hospital, the landlord, stated that they intend to renovate the entire building. However, the architect has not yet drawn up the plans and no permits have been obtained. The attorney for the landlord, Ray McDevitt, stated that they intend to cure the notice by serving a new one on the tenants. He said that in addition to remodeling, or renovating the building, it is also to be occupied by some of the elderly sisters of the hospital.

Recommendation: No action pending new notice to tenants

5. 30 Elizabeth #3

Eviction notice dated 10/1/80 states that the building has been sold and that the new owners intend to occupy. Notice was from the old owner. The tenant stated in his petition that the reason is not true.

Recommendation: Send written notice to old and new owner regarding just cause for eviction



6. #2-15th Avenue

A Rent Board hearing was held on 10/23/80 by Hearing Officer Susan Girtler. Dispute is over sharing of utility costs; tenant has been paying utility bills for the common areas of a two-unit building. The tenant would like a decrease in rent to offset these added costs. He has not received a rent increase, but appears to have withheld \$75.00 per month.

Recommendation: Postpone pending PG&E settlement

7. 521 Gates

Tenant filed a petition for arbitration on 8/29/80 because her rent had been increased from \$200 to \$250 (her last increase was 1/11/80). A hearing was scheduled for 9/22/80 but the landlord filed a statement saying the tenant had agreed to vacate. The tenant denies this. On 9/4/80, she received a 30-day notice to vacate based on the fact the owner intended to occupy the apartment. The petition for wrongful eviction was filed on 10/22/80. One of the co-owners stated that both owners intend to move into the building (there are two units) because they cannot afford to pay the mortgage payment and their own rent when the rents are so low.

Recommendation: Schedule a hearing with a Hearing Officer

8. 4450-20th Street

The Board held an appeal hearing on 9/23/80. The issues were to what extent repairs, rehabilitation, and capital improvements could be passed onto the tenants. The rent increase allowed by the Board came to a total rent of \$285.50. The landlord was asking that the rent be increased to \$475.00. A 30-day notice to vacate the flat was sent on 10/20/80. The reason stated is that the landlord intends to occupy the unit.

Recommendation: No action. Board has already heard this case.

9. 1944 Anza

The tenant has now received a 30-day notice to vacate given on 10/1/80. The reasons given are the landlord plans to make "major renovations" and occupy the premises herself. In August, 1979, the owner attempted to raise the rents over the allowable guidelines. She also served an eviction notice on the tenant. The tenant petitioned before the Board and settled the case by agreeing to pay an increase from \$195 to \$250. for November and December, 1979, to go to \$275.00 on January 1.

Recommendation: Send affidavit forms, re: owner-occupancy

10. 1218-41st Avenue

An unlawful detainer dated 9/5/80 has been filed against the tenant. A 30-day notice had been received by the tenants on 7/29/80, stating the owner wished to occupy. The attorney for the landlord stated that the tenants have filed a response to the unlawful detainer complaint and that she is investigating as to whether the landlord truly intends to occupy.

Recommendation: Postpone one week pending further contact with the landlord's attorney



11. 1311-48th Avenue

30-day notice served on tenants to vacate on 9/17/80. The attorney for the landlord quoted 37.9 (a) (8) of the Ordinance, that the owner intends to have a relative to occupy the unit.

Recommendation: Send affidavit re: owner-occupied

12. 55 Carrizal

The tenants in this petition live in the basement of the landlord's dwelling and are therefore exempt from the Ordinance.

Recommendation: No action

13. 246 McAllister #506

This tenant lives in a building owned by Dr. Peter Bullock. He was given a 3-day notice to vacate on 10/16/80, based on Section 37.9 (3); no specific nuisance is stated in the notice; nor is the opportunity to cure the nuisance stated. An attorney called for P.B. (Sid Berenstein), and these issues were explained to him.

Recommendation: Schedule a hearing with a Hearing Officer

14. 2055 California Street, #101, 403, and possibly 104, and 302

Five tenants of this building filed petitions for arbitration. The hearing was held on 10/8/80, before Hearing Officer Boots Whitmer. Landlords did not appear at the hearing, and the Hearing Officer found that they were not entitled to an increase over 7%. #101's 30-day notice to vacate dated 9/25/80, states that the tenant did not obtain permission to paint. The tenant states that the landlord paid for the paint. Tenant #403's notice dated 10/23/80 states that an "immediate member of the owner's family" intend to occupy the unit.

Recommendation: Schedule a hearing before the same Hearing Officer

15/16. 47-49 Landers

This building has been taken over by new owners and is being handled by a realtor. According to the realtor, #47, an upper apartment, is to be combined with the apartment next door. A building permit has been obtained for alterations. The 30-day notice sent to the lower tenant, a flat, states that one of the new owners intends to occupy the flat.

NOTE: Two tenants to have the opportunity to reoccupy?

Recommendation: Send affidavit re: owner-occupied and information re: right of tenant to re-occupy after renovation





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Wednesday, November 12, 1980 at 5:00 p.m. at the State Building, 350 McAllister, #1195

I. Call to Order

The meeting was called to order by President Cole-Chu at 5:10 p.m..

II. Roll Call

Commissioners Present: Cole-Chu, Presiding; Baird, Flynn, Saund:  
 Alternates: Horsley, Neves, Payne, Vurek  
 Commissioners Not Present: Lathan; Alternate: Bell  
 Staff Present: Donna Solomon, John Blackburn, Susan Francis

III. Appeal Hearing

95 Red Rock Way, M-107: Recording Officer was Bill Brauer.

MSC: That the Board allow a utility pass-through of \$32.00 inclusive of \$2.19 for water and sewer(Flynn/Baird:5-0).

IV. Consideration of Appeals

- A) 947 Geary: Reviewing Officer was Jackson Wong; Original Hearing Officer was Elaine Lee. The tenant and landlord appealed this case. Tenant contended that the lease was binding and landlord cannot pass-on PG&E, and decreased services(elevator and pest control) constituted a rent increase.

The landlord contended that the decreased housing services in amount of \$10.00 was excessive. Landlord submitted bills for elevator service and pest control. Other bills for plumbing did not constitute a significant increase in operating/maintenance expenses.

The Reviewing Officer recommended denying both appeals.

The original hearing held on this case was conducted by Al Baum, and parties conciliated, whereby tenants and landlord agreed to the utility pass-through.

M: Deny the tenant's appeal(F/)

There was some discussion on evidence to support contention of decreased housing services.

MSC: That the Board accept both appeals de novo(Saunders/Flynn:3-2 with Neves and Cole-Chu dissenting).

- B) 2465 Chestnut:

MSC: That the appeal be remanded to a new Hearing Officer for a new hearing(Flynn/Baird:5-0).

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C) 2240 Larkin Street:

MSC: That the Board deny the appeal(Flynn/Saunders:5-0).

V. Approval of Appeals

1) 917 Cole Street:

MSC: That the appeal decision be approved as President finds complete(Baird/Saunders:5-0).

2) 2661 California Street:

MSC: That the appeal decision be approved as President finds complete(Baird/Saunders:5-0).

3) 626-33rd Avenue:

MSC: That the appeal decision be approved as President finds complete(Baird/Saunders:5-0).

4) 1606 Church Street:

This appeal had been drafted but not typed. Hold over until next meeting.

VI. Consideration of Allegations of Wrongful Evictions

A) Hearings

- 1) 30 Elizabeth #3: Settled. The landlord agreed to let them stay until November 30, 1980, when the tenant will be moving out of San Francisco.

B) Reports from Previous Meetings

- 1) 5555 Mission Street: No Action (Baird/Saunders:5-0)
- 2) 2863-23rd Street: No Action (Flynn/Saunders:5-0)
- 3) 2-15th Avenue: Postpone one week(Saunders/Neves:5-0)
- 4) 1218-41st Avenue: Settled: Tenant has five months free rent and will vacate premises January, 1981.
- 5) 1311-48th Avenue: Postpone one week pending return of affidavit or letter from landlord's attorney (Saunders/Neves:5-0).
- 6) 47 Landers: No Action(Flynn/Neves:4-1 with Cole-Chu dissenting)
- 6a) 49 Landers: Schedule a hearing with the Board for meeting of November 18, 1980(Flynn/Saunders: 4-1 with Baird dissenting).
- 7) 2271 Fulton #2: No Action(Flynn/Baird:5-0)

C) Hearings

- 2) 246 McAllister Street #506: Both parties agreed to continue this hearing until the meeting of November 18, 1980 at 7:00 p.m..
- 3) 521-A Gates: The tenant, Rachel Kirler, did not appear at the hearing. The reason given for the 30-day notice to vacate was



that the landlord intended to occupy the unit herself. Nanette Musser and Mito Conde, the landlords, both appeared. Nanette Musser stated that she and her cousin intended to occupy the tenant's unit.

MSC: That the petition for wrongful eviction be dismissed without prejudice (Flynn/Neves:5-0).

- 4) 1944 Anza: The notice to vacate involved in this eviction stated that the landlord intended to occupy the tenant's apartment herself. The tenant argued that there were other apartments available in the building, that the landlord was now living in a house which she did not really intend to leave, and that the landlord only wanted to raise rents.

MSC: That there appears there has been or there exists a violation of §37.9(a) by the landlord (Saunders/Flynn with Baird dissenting).

- 5) 2055 California Street #104,101,403,302: Various eviction notices had been sent to these tenants following a decision rendered by a Hearing Officer with regard to a rent increase. Tenant #302's notice stated late payment of rent. Tenant #403's notice stated that a member of the landlords "immediate family" intended to occupy the unit. Tenant #101's notice stated "violation of the rental agreement as did Tenant #104's notice. The landlord did not appear but was represented by her attorney.

MSC: That there appears there has been or there exists a violation of §37.9(a) by the landlord (Neves/Baird dissenting).

The Rent Board will go into Executive Session at a later date to determine what type of litigation it may institute.

#### D) New Reports

- 1) 140 Graystone Terrace #207: Postpone pending resolution by Hearing Officer (Neves/Saunders:5-0)
- 2) 615 Union Street #207: No Action (Flynn/Baird:5-0)
- 3) 342 Serrano Drive: Dismiss the petition (Flynn/Baird:5-0)
- 4) 119/123 Grattan: Schedule for a hearing on November 18, 1980 (Neves/Saunders:5-0)
- 5) 768 Eugenia: That staff attempt to find out if tenant has moved (Saunders/Baird:5-0)
- 6) 1415 Hawkes: Schedule for a hearing on November 18, 1980 (Flynn/Neves:5-0)
- 7) 398 Haight #1: Find out the status of the unlawful detainer action from tenant's attorney (Neves/Saunders:5-0)
- 8) 2137 Greenwich: Dismiss the petition (Flynn/Neves:5-0)
- 9) 722-A Shotwell: Postpone pending arbitration hearing and receipt of affidavit from landlord (Saunders/Baird:5-0)
- 10) 1967 Oak: Postpone one week pending completion of petition (Flynn/Neves:5-0)

#### VII. Adjournment

The meeting was adjourned at 10:30 p.m..





## REPORTS FROM PREVIOUS MEETINGS: WRONGFUL EVICTIONS

- 1) 5555 Mission Street #3: The notice sent to the tenants did not state a cause for eviction. On October 31, 1980, the landlord spoke to staff at the Rent Board where just cause was explained, and he replied that he would therefore turn the matter over to his attorney. As of November 10, 1980, nothing further has been heard by the tenants from their landlord. A Statement Regarding Cause for Eviction was mailed November 6, 1980.

Recommendation: No Action

- 2) 2863-23rd Street: The 30-day notice terminating tenancy in this case does not state a reason. A Statement Regarding Cause for Eviction was sent November 6, 1980.

Recommendation: No Action

- 3) #2-15th Avenue: This case involves a dispute over the payment of utilities in common areas. The tenant has been withholding \$75.00 per month off of his rent for the last 5 months. A three-day notice was served in October, but November rent (of \$600.00) was accepted. This dispute was heard by Hearing Officer Susan Girtler in October, and she felt that an agreement had been reached between the parties to have PG&E make an estimate of the cost of the common areas.

Recommendation: Postpone one week pending staff resolution of problem.

- 4) 1218-41st Avenue: This dispute has been solved between the parties.

Recommendation: No Action

- 5) 1311-48th Avenue #5: The notice to vacate in this situation states that the landlord plans to move her father into the apartment. An affidavit form has been sent to the landlord but has not yet been returned.

Recommendation: Postpone pending return of affidavit or letter from landlord's attorney.

- 47 6) 47-49 Landers: This eviction case involves two units. These two units are located next door to one another, on the third floor of the building. The landlord based his notice on 37.9 (a)(10) of the Ordinance, he plans to make these two units back into one flat and has obtained permits to do so. This issue here is whether the just cause for eviction in this case would better be 37.9 (11) and the tenants would therefore have a right to reoccupy

- 49 The 30-day notice in this case is based on the owner's right to occupy. The issue here is whether the landlord has a right to evict if he has less than a 50% interest (this landlord stated over the phone he had a 25-30% interest)

Recommendation: Decide two issues before decision is made.





- 7) 2271 Fulton #2: Tenant lives in the building owned by St. Marys Hospital. The hospital has given notice with the cause as "the landlord requires possession of the premises for its own use and occupancy." In the last conversation with the Assistant Administrator, Ms. Mandel, she stated several sisters at the Hospital planned to occupy the building.

Issues: What is the definition of "landlord"? Who is entitled to move into landlord's building?

Recommendation: Send affidavit re: who is to occupy. Make decision regarding who can occupy as landlord.





## NEW REPORTS: CONSIDERATION OF ALLEGATION OF WRONGFUL EVICTIONS

- 1) 140 Graystone Terrace #207: A hearing for arbitration has been scheduled for these parties for November 13, 1980 with regards to a rent increase. The issue is what amount the tenant should pay for the additional occupancy of his wife and daughter. Hopefully, all of these issues can be resolved on November 13, 1980.

Recommendation: Postpone pending resolution by Hearing Officer

- 2) 615 Union #207: A 30-day notice to the tenant does not state a reason for the eviction. However, on speaking to the tenant, he said the dispute was mainly with regard to the use of the community kitchen. He also stated he had not paid rent for October, no did he intend to. A Statement Regarding Cause for Eviction has been sent to the landlord but there has not yet been a reply.

Recommendation: No Action

- 3) 342 Serrano Drive: The landlord in this situation is Park-Merced Corporation. They sent a "Notice of Non-Renewal of Lease" due to breach in certain Article in the lease; causing damage beyond normal wear and tear. The general manager Claude Scovill, states there is extensive damage throughout the apartment. The tenant states that she asked the management to paint a rusty window in the bathroom which has been caused by dampness in the area.

Recommendation: Schedule for initial hearing with Hearing Officer

- 4) 119 and 123 Grattan: There are no reasons given in these notices to terminate tenancy. A hearing before Sam Haskins was held 10/16/80 disputing rent increases. The landlord, represented by her property manager contended that excessive increases were warranted because of capital improvements. The capital improvements have not yet been completed, and therefore no increase over guideline amounts were allowed. These eviction notices were handed to tenants at the hearing, and do not state a reason for eviction.

Recommendation: Schedule a hearing for November 18, 1980

- 5) 768 Eugenia: Telephone messages received on November 7, 1980 that the tenant has moved.

Recommendation: No Action

- 6) 1415 Hawes: The tenant filed a petition for arbitration on 10/14/80 challenging a July rent increase. The Rent increase history includes:

8/79	from 245 to 300
4/80	from 300 to 370
7/80	from 370 to 475

The tenant has not paid the July increase and was served with a notice to vacate on 10/27/80. The owner and his daughters have signed an affidavit stating that the daughters intend to occupy the premises themselves. July rent increase notice indicates building is for sale.

Recommendation: Schedule for initial hearing with Hearing Officer



- 7) 398 Hights St. #1: Unlawful Detainer has been filed-an attorney has been retained. Section 37.9 (a)(11) quoted in the answer to the Lessor, therefore Tenant should have right to reoccupy.

Recommendation:      Schedule for initial hearing with Hearing Officer

- 8) 2137 Greenwich:      Landlord attempting to raise rent from \$375.00 to \$475.00 per month as of 12/1/80. This is not an eviction issue at this time.

Recommendation:      Set for an Arbitration Hearing on the issue of the attempted rent increase

- 9) 722-A Shotwell:      The tenant filed a petition for arbitration on 9/24/80 based on a decrease in services; a severe leak in the bathroom. On 9/24/80, tenant was also served with an eviction notice. The owner stated that he wished to occupy the unit. An arbitration hearing is set for November 14, 1980 on the decrease in services issues.

Recommendation:      Postpone to see if there can be a resolution at the arbitration hearing

- 10) 1967 Oak: Petitioners did not include Notice to vacate. Were notified 11/5/80 but have not yet brought to Rent Board.

Recommendation:      Postpone one week pending completion of petition.





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, November 18, 1980, at 5:00 p.m. at the State Building, 350 McAllister Street, #1195

I. Call to Order

The meeting was called to order by President Cole-Chu at 5:20 p.m..

II. Roll Call

Commissioners Present: Cole-Chu, Presiding; Baird, Flynn, Saunders;  
Alternates: Bell, Horsley, Neves, Payne, Vurek

Commissioners Not Present: None

Staff Present: Donna Solomon, John Blackburn, Susan Francis

Commissioner Dorothy Lathan, Neutral Commissioner for the Rent Board, has tendered her resignation to the Mayor and the Rent Board. She is purchasing income property in Oakland and would, therefore, be in a conflict of interest if she remained Neutral Commissioner.

III. Consideration of Appeals

680 Sutter Street: The Reviewing Officer was Joan Kubota; the Original Hearing Officer was Dwayne Kunath. The landlord appealed the decision of the Hearing Officer on the utility pass-through issue. The landlord argued that 1) the Hearing Officer created the computations used in the decision, and 2) a lawful increase was already in effect.

MSC: That the Board deny the appeal (Saunders/Flynn:4-0).

IV. Approval of the Minutes of October 28 and November 3, 1980

This matter was held over.

V. Director's Report

- 1) Copies of forms for eviction processing were included in the Commissioner's packets.
- 2) All hearings are being held within the 45-day limit and the 10-day notice limit.
- 3) Conflict of Interest forms need to be turned in by all Commissioners who have not done so to date.

VI. Communications

- 1) A letter was received from the Citizen's Housing Forum (November 4, 1980) to Commissioner Flynn with a cc: to Commissioner Cole-Chu.
- 2) A letter (October 31, 1980) was received from attorney James Rubin to the Rent Board regarding Tenant Petition for Allegation of Wrongful Eviction at the property located at 1414-21st Avenue.





- 3) A copy of the letter from Mayor Feinstein to Jamie Horsley regarding her appointment to the Rent Board was received. Ms. Horsley will become Tenant Alternate, to replace R. Stewart Baird, Jr., who is now Tenant Regular.
- 4) A letter (November 6, 1980) from Stuart Foreman, Bar Association of San Francisco, to Donna Solomon, was received, regarding follow-up conversation on the possibility of the Rent Board co-sponsoring a Town Hall Meeting to discuss the Ordinance.

There was some discussion on the co-sponsoring of this event.

MSC: That the Rent Board co-sponsor the Town Hall Meeting with the Barristers Club of the Bar Association (Baird/Flynn:4-0).

The Executive Director was instructed to forward a letter of acceptance and include the President's desire to be a speaker/participant in this event.

- 5) A letter (November 11, 1980) was received from Rick Henry to Leeland J. Cole-Chu resigning as a Hearing Officer for the Rent Board. He has moved to Southern California.
- 6) A letter (November 12, 1980) from Dorothy Lathan to Mayor Feinstein was received regarding her resignation from the Rent Board.
- 7) A letter (November 12, 1980) was received from Mayor Feinstein to Donna Solomon regarding funds from the Office of Community Development for landlord/tenant counselling. In that letter, guidelines were presented that the Rent Board must follow before funds can be released.
- 8) A letter was received from Legal Assistance to the Elderly regarding a request for an advisory opinion on 1000 Sutter Street.

MSC: That the Board decline, at this time, to issue an advisory opinion, and that a letter be sent to that effect. §37.2 (k) (1) is self-explanatory and not ambiguous (Saunders/Baird:4-0).

## VII. Approval of Appeals

There was some discussion on the use of forms for appeal decisions. These forms have been drafted and will need approval by the Commissioners before their use.

- A) 1606 Church Street #1:

MSC: That the Board approve the decision (Baird/Saunders:4-0).

- B) 917 Cole Street:

Landlord had wanted all four units considered for the appeal, but three of the four were not notified of the appeal hearing. Landlord should be notified that he may pursue the appeal on the remaining three.



Appeal was approved on November 12, 1980 (ISC: Flynn/Saunders:5-0).

### VIII. Consideration of Allegations of Wrongful Evictions

#### A) Hearings

- 1) 119-123 Grattan: Landlord and tenants present. Tenants want to know reason for eviction notice. Landlord stated tenants pay rent late and have a workshop in the house.

The landlord withdrew the notices. The manager will contact the attorney about proper service of the notice.

#### B) Reports from Previous Meetings

- 1) 1311-48th Avenue: postpone pending possible resolution
- 2) 140 Graystone Terrace: postpone pending further action by the landlord
- 3) 398 Haight #1: schedule for a hearing
- 4) 722-A Shotwell: No action
- 5) 1967 Oak: postpone pending receipt of notice and mailing of affidavit

MSC: That recommendations of the staff be adopted(Baird/Saunders:4-0)

- 6) 2863-23rd St.: Received affidavit from landlord. Postpone one week.
- 7) 2-15th Avenue: Awaiting estimate. Postpone.
- 8) 2137 Greenwich: No longer an eviction issue. Tenant and landlord are scheduled for arbitration hearing.
- 9) 5555 Mission: Tenant called and landlord cured defective notice. Tenant will bring in new notice. Postpone

MSC: That recommendations of the staff be adopted(Baird/Saunders:4-0).

#### C) Hearings

- 2) 47-49 Landers: Landlords appeared personally; Michael Rudman and Robert Yrazabal. Three owners of this building; one wishes to occupy. An affidavit has been sent to Rent Board.

MSC: That no action be taken; petition dismissed for failure of tenants to appear(Saunders/Baird:4-0).

#### D) New Petitions

- 1) 3526-17th St: Dismiss the petition/No action
- 2) 1414-21st Avenue: Accept recommendation of staff(4-0); scheduled for a hearing.

#### E) Hearings

- 3) 246 McAllister Street: Landlord is Peter Bullock; tenant is Odie Wood. Both appeared personally. Tenant was represented by counsel.



Frederick Bray from the Tenderloin Housing Clinic was representing the tenant.

The tenant was served a notice to vacate because he created a nuisance, caused damage to the unit and building, interfered with the comfort, safety, enjoyment of other tenants. Mr. Wood contended that he was being evicted because he organized tenants in the Tenderloin against hotel conversion from residential to tourist. A flyer was introduced as evidence.

Tenant contended that he had been locked-out on August 4, 1980, that he was beaten and robbed as he tried to enter the premises, and that the old owners had done extensive rewiring of the building but never filled in the holes and cracks that resulted from the rewiring job. He discounted the other charges.

There was some discussion brought about by the landlord with regards to the jurisdictional question.

MSC: That the Rent Board has jurisdiction to hear this case(Flynn/Baird:4-0).

Landlord submitted into evidence Seaworld Corp. v. Superior Court, regarding the question of jurisdiction, and an unlawful detainer action filed and pending before Municipal Court.

Landlord objected to tenant's "tenderloin type" of friends that created chaos at the building during all hours of the day and night. Landlord entered into evidence photo of the destruction he alleged occurred, and contended that the building was being substantially rehabilitated, entering a photo into evidence showing one of the rooms.

Tenant's attorney offered a signed agreement between the tenants and landlord, thru San Francisco Neighborhood Legal Assistance, for temporary relocation while the building undergoes conversion from residential to tourist housing.

- 4) 1415 Hawes: The tenant was Bobbie Hall; the landlord was Clyde Gray. The landlord raised the rent from \$300 to \$370 in April of 1980. In July, 1980, the landlord sent the tenant another notice of rent increase from \$370 to \$475. Tenant has continued to pay \$370. In October, 1980, the landlord sent a notice to vacate. The reason given in the notice was that the landlord wants the house for his two daughters and their children. Zenola Gray appeared at the hearing and made a statement that she does intend to move in.

There was discussion by the Board and the landlord and tenant that an agreement be sought between the parties. The landlord agreed to let the tenant stay until January 1, 1981 if the tenant put it in writing.

MSC: That the petition be dismissed(Flynn/Saunders:3-1 with Cole-Chu dissenting).





MSC: That the Board accept the recommendations by the staff as to the treatment of petitions (Baird/Saunders:4-0).

G) New Petitions

MSC: That the Board accept the recommendations by the staff as to the treatment of petitions (Baird/Saunders:4-0).

IX. Appeal Hearing

Tenants of Manuel Dudum; 775/765/775/785/795 Burnett Street:

The original Hearing Officer was Elaine Lee; the Reviewing Officer was Susan Bloom. The tenants appealed the decision of the Hearing Officer. The original decision was heard on a landlord petition, based on increased operating and maintenance expenses. The Hearing Officer found many expenses to be improvements and also allowed comparability studies to be submitted and allowed increases based on those studies. The hearing was heard de novo on the issue of comparables, while the remaining issues were heard only on the record. The tenants felt that the Hearing Officer was incorrect in allowing the washers to be amortized when there was a use tax being charged, and also felt that the capital improvement expenses were not sufficiently substantiated.

Extensive evidence was introduced by both sides on the issue of comparables. Because of the complicated issues involved and the extensive record, the Board decided to postpone making a decision on this appeal until a later date.

X. Calendar Items

- 1) Staff meeting with Russ Flynn and Lee Cole-Chu on November 19, 1980 at noon.
- 2) Special meeting of the Board to be held on November 24, 1980 for evictions
- 3) Regular meeting of the Board on November 25, 1980.

XI. Adjournment

The meeting was adjourned at 12:10 p.m..

President Cole-Chu and Commissioner Flynn are going to be an Executive Management Committee to re-organize office procedures and work with staff problems. They plan to attend a staff meeting to be held on November 19, 1980 at noon.

11/25/80:jsb



Reports from Previous Meetings:    Wrongful Evictions

- 1) 1311-48th Avenue: The 30-day notice to vacate stated that the landlord's father wished to move in. An affidavit was sent to the landlord and has not been returned. The landlord's attorney stated that the parties have decided to work out a compromise between themselves.. A letter has been sent to the tenant asking the status of the eviction(she does not have a telephone).

Recommendation: Postpone pending possible resolution

- 2) 140 Graystone Terrace #207: An arbitration hearing was held on November 13, 1980. Both parties have stated that this is no longer an eviction issue but are awaiting the results of the Hearing Officer with regards to a rent increase.

Recommendation: Postpone pending further action by landlord

- 3) 398 Haight Street #1: This case involves a tenant who led the fight against a rent increase last February. The landlord now seeks to evict him based on 37.9 (a) (11). The tenant's attorney sent interrogatories to the landlord recently and therefore trial will not be set until answers are received.

Recommendation: Schedule for a hearing

- 4) 722-A Shotwell: An arbitration hearing has been set for November 14, 1980 but has been continued until November 21, 1980. The issue was to be a decrease in services. The landlord, at this time living in Carmel, has sent an affidavit stating that he intends to recover possession of the apartment for his own use.

Recommendation: No action

- 5) 1967 Oak: This petition is not yet complete, as we have not received copy of notice to vacate. Reason given is owner to occupy.

Recommendation: Postpone pending receipt of notice and mailing of affidavit



NEW PETITIONS-WRONGFUL EVICTIONS

- 1) 3526-17th Street: Tenant and landlord appeared at an arbitration hearing at which the eviction was discussed. Tenant feels that landlord will let her sign a new lease. There is a strong likelihood that this property is exempt from the Ordinance.

Recommendation: No action

- 2) 1414-21st Avenue: Tenant was served with a 30-day notice to vacate after informing the landlord's son that he would only pay a 7% rent increase. The notice states that the landlords seek the premises for the use of their children. Tenant filed a motion to quash service of summons based on the grounds that the plaintiffs failed to inform defendant in writing that "advise regarding the notice is available from the RRSAB." Plaintiff's attorneys requested that the Board decline jurisdiction.

Recommendation: Schedule for hearing

- 3) 2700 Folsom Street #202: This tenant organized her building to fight a rent increase in May of 1980. A hearing was held on May 9, 1980 at which the landlord presented extensive evidence for an increase above the guideline amounts. The landlord now seeks an increase based on excessive occupancy. The landlord does not seek to evict these tenants, but wants to charge a \$50.00 rent increase per person not listed on the rental agreement. There are three extra people living in this apartment.

Recommendation: No action

- 4) 1730 Balboa: This tenant believes an agreement has been worked out with the landlord.

Recommendation: Postpone pending agreement

- 5) 2410 Chestnut #6: The reason stated in the 30-day notice to vacate is that the new manager has chosen the tenant's apartment to live in. The new manager has already moved into another apartment.

Issues: 1) is landlord's agent or manager considered landlord under 37.9 (a) (8)? and 2) if yes, can they move from one unit to another?

- 6) 431-44th Avenue #303: The landlord is attempting to evict 76 year old woman who has lived in her apartment for 15 1/2 years. Reason stated in the notice to vacate is misuse of "appliances" and leaving the window open. The landlord has refused to fix the oven or garbage disposal and has never painted the apartment.

Recommendation: Schedule for hearing



- 7) 650 Masonic #12: Petition is incomplete. Tenant stated his attorney has all documents, and attorney has not returned calls.

Recommendation: Postpone until petition completed

- 8) 225 Fell Street #10: Reasons stated in the 3-day notice to vacate are that the tenant is creating a nuisance. The nuisance is not specifically described in the unlawful detainer complaint, served 11/6/80. The landlord also complains of continual late payment of rent. Calls to the landlord's attorney have not been returned.

Recommendation: Schedule initial hearing before Hearing Officer

- 9) 555 Clayton #7: I have been unable to reach either the tenant or the landlord.

Recommendation: Schedule initial hearing before Hearing Officer

- 10) 2442 Great Highway #1: A three-day notice to perform covenants under an oral agreement was served on tenant on 10/29/80. Covenants to be performed were payment of September - October rent, provide keys to landlord, payment of rent in a timely fashion, and the signing of a written rental agreement. Rent for September - October was paid on 10/31/80. An unlawful detainer complaint was filed 11/5/80.

Recommendation: Schedule initial hearing before Hearing Officer

- 11) 1801 Franklin #304: Notice of rent increase from \$405.00 to \$475.00 sent on 11/5/80. Termination of tenancy received on 11/6/80. The reason given is that the new manager has chosen this unit as the one he wishes to occupy.

Recommendation: Take position re: manager (see #5 above)

- 12) 371 Turk Street #10: Tenant filed a petition for arbitration with regard to a rent increase. A hearing was held on 11/6/80 at which time the landlord did not appear. The landlord is threatening to evict the tenant if he does not pay the rent increase.

Recommendation: Schedule hearing 11/25/80

- 13) 398 West Portal #305: The tenant received a rent increase on 10/22/80, rent to be increased from \$339.19 to \$500.00. A petition for arbitration was filed on 10/28/80. On 11/4/80, tenant received a notice to vacate, with no reason stated. On 11/14/80, the tenant received a notice of rent increase to \$600.00.

Recommendation: Schedule for hearing 11/25/80

- 14) 831 Brazil #4: The reason given in the notice to vacate is neglect and misuse of the plumbing, and material damage to the building. The tenant states that she has had clogged plumbing and roto rooter has been called. Landlord has been left messages, but has not returned calls.

Recommendation: No action







MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, November 24, 1980, at 5:00 p.m. at the State Building, 350 McAllister St. #1195

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I. Call to Order

The meeting was called to order by President Cole-Chu at 5:15 p.m.

II. Roll Call

Commissioners Present: Cole-Chu, Flynn, Saunders  
Alternates: Horsley, Payne  
Staff Present: Solomon, Francis

III. Hearings on Petitions for Wrongful Evictions

A. 398 Haight #1

Appearing before the Residential Rent Stabilization and Arbitration Board was the Tenant, Elimuel Reyes, the Tenant's attorney, Therese Cannata, and the Landlord Michael Forrester. The Tenant contends that he is being wrongfully evicted because he had filed a tenant petition for rent arbitration and the Hearing Officer had not allowed an increase. The Landlord has continued to attempt to increase rents in the building based on substantial improvements in the building. The Tenant's apartment however, has not been rehabilitated and it is for this reason that the Landlord seeks the eviction. The Landlord stated that it would be difficult for the workman to do the type of work required without vacating the apartment, and that the Tenant would have a right to reoccupy once the improvements were completed at a substantially higher rent.

The Residential Rent Stabilization and Arbitration Board recommended that the parties enter into a stipulated agreement stating: (1) that the Tenant will store that furniture which is not necessary while the apartment is being renovated and (2) that the increased rent will be that decided by a Hearing Officer from the Residential Rent Stabilization and Arbitration Board after the improvements have been completed.

B. 225 Fell #10

Appearing before the Board was Charles Baldwin, the Tenant. The Landlord did not appear. The unlawful detainer complaint stated that the Tenant was continually late in his payment of rent, and that he had caused a nuisance by being drunk and disorderly. The Tenant stated that he was currently paying his rent on time, and did not believe he was a nuisance. He also stated that other people in the building had been threatened with eviction.

MSC: That the Residential Rent Stabilization and Arbitration Board dismiss the petition without prejudice on finding of fact. (Flynn, Saunders: 4-0)

C. 2442 Great Highway #1

Appearing before the Board was James Guerin, the Tenant and John Barry, the Landlord. The issues stated in the 3 day notice were: (1) that rent



installments for September-October be paid, (2) that the Tenant provide Landlord with keys, (3) that a rental agreement be signed, and (4) that the Tenant pay all future rent on time. The parties discussed their positions with regard to these issues.

MSC: That the Residential Rent Stabilization and Arbitration Board dismiss the petition without prejudice on finding of fact (Flynn, Saunders: 4-0)

#### D. 371 Turk #10

Neither parties appeared before the Board. The Tenant had attended an Arbitration hearing at which time he expressed fear that the Landlord would evict him for protesting the rent increase.

MSC: That a letter be sent to both parties stating that the matter had been part of the agenda to consider the allegation of wrongful eviction, that a statement of facts regarding the report be included, and attaching a copy of Section 37.9 circling the applicable sections.

### IV. Report from Staff

#### A. Thirty-five petitions are still active at this time (see attached list).

MSC: That a tentative procedure be set up by the staff to handle petitions in the following way:

- 1) Written notice given after receipt of petition to both the Landlord and the Tenant;
- 2) schedule a hearing, possibly with Hearing Officers, after investigation by staff;
- 3) staff to report to the Board on those cases that they are unable to conciliate;
- 4) to schedule a limited number of cases before the Board based on the following criteria:
  - (a) possible retaliation for the filing of a rent arbitration petition
  - (b) eviction to create vacancy decontrol
  - (c) legal or interpretational issues with regard to the Ordinance. (Flynn, Saunders: 4-0)

MSC: That the Board hear those Petitions which show possible retaliation for the tenant's exercise of assertion of right under the Ordinance, specifically:

- (1) 650 Masonic #12
- (2) 2055 California #404
- (3) 3110 Octavia #6

and that case presenting a legal issue; 2360 Pacific, #604. (Saunders, Horsley: 4-0)

#### B. Correspondence

A letter has been received by the Executive Director from Pat Mitzuhara requesting a rehearing on the notices to vacate sent to her tenants at



2055 California. These issues will be discussed at a subsequent hearing involving 2055 California #404 for which Mrs. Mitzuhara will be notified in writing.

V. Adjournment - 9:00

\*Executive Session\*

A. Litigation

MSC: That the Board bring legal action against the Landlord of 2055 California if she files an Unlawful Detainer against any of the Tenants involved (Saunders/Horsley: 4-0)

B. Personnel Matters

1/19/81:ap





CONSIDERATION OF ALLEGATIONS OF WRONGFUL EVICTIONS-MEETING OF November 24, 1980

- A) Possible Retaliation against a tenant for the tenant's assertion or exercise of rights [under the Ordinance]
- 1) 650 Masonic Street #12
    - petition for arbitration filed June 9, 1980
    - notice states continual late payment of rent
  - 2) 2055 California Street #404
    - petition for arbitration filed by a group of tenants on September 9, 1980
    - tenant did not attend hearing but received eviction notice on October 23, 1980
  - 3) 3110 Octavia #6
    - arbitration hearing on August 12, 1980
    - owner to occupy unit
- B) Affirmative Action by the landlord under §37.9 (a) (8)(10)(11)(12)
- 1) 2820 Folsom Street
    - owner wishes to occupy
  - 2) 1414-21st Avenue
    - landlord's children to occupy
  - 3) 2863-23rd Street
    - owner wishes to occupy
    - we have received affidavit signed by landlord
  - 4) 2410 Chestnut #6
    - new manager to move into the tenant's unit
    - new manager already occupying another unit
  - 5) 742 Castro #C
    - §37.9(a)(10)
    - arbitration petition filed July 7, 1980, but case was settled
    - only permit if for \$100.00 alteration
  - 6) 3101 California Street #7
    - owner to occupy
    - already living in same building

DOCUMENTS DEPT.

APR 30 1981



7) 2105 Broadway #313

- "to move a relative into the building"

8) 1520 California Street #14

- reserve occupancy of unit for his personal needs

9) 1366 Sanchez

- new landlord plans to occupy the unit

10) 2390 Lombard #1

- family member to occupy the unit

C) Notices to vacate based on alleged actions by the tenant (§37.9(a)(1)-(7))1) 2059 Market Street

- notice given under §37.9(a) (3) and (4)

2) 855 Burnett #10

- running a commercial enterprise  
- disturbing other tenants  
- unapproved subtenant

3) 398 West Portal #305

- landlord stated unapproved subtenant (tenant got married)  
- attempted rent increase:

10/15/80	\$339.19 to \$500.00
11/4/80	notice to vacate
11/15/80	\$339.19 to \$600.00

4) #2-15th Avenue

- tenant withholding \$75.00 per month rent he feels landlord owes him for paying utilities for common areas

5) 555 Clayton #7

- unapproved subtenant  
- tenant said he only had a guest

6) 831 Brazil #4

- neglect and misuse of plumbing

7) 431-44th Avenue #303

- substantial damage to apartment  
- warranty of habitability

8) 173 Julian Avenue

- excess occupancy



9) 300-28th Avenue

-violations of covenants:

a) cat

b) unapproved subtenant

10) 1450 LaPlaya #1

-late payment of rent

11) 331 Octavia #10

-non-payment of rent

12) 325 Sutter #519

-notice states tenant is creating a nuisance

13) 721 Geary

-violations of covenants

-alternative rent increase

14) 2130 Jackson #303

-unauthorized guests

-noise

15) 1255 Grove #104

-habitually pays the rent late

D) Notice to vacate is insufficient*Completed**Handwritten notes*1) 1901 Turk #3

-no reason stated in the notice

2) 490 Geary #611

-no reason stated in the notice

3) 2400 Pacific #602

-no reason stated in the notice

4) 3461 Mission #6

-no reason stated in the notice

E) Legal Issues1) 2360 Pacific Avenue #604

-expiration of a fixed term tenancy entered into before effective date of the Ordinance



F) Landlord already has obtained possession1) 2042-43rd Avenue

- vacated house on August 31, 1980 because landlord had stated his sister planned to move in
- October 10, 1980 - family unrelated to landlord moved into the house

2) 2448 Clay Street

- tenant moved out July 1, 1980
- landlord stated that his relatives were to move in
- entire building was evicted and has remained vacant

G) Petition no longer active1) 725 Pine Street #14

- landlord wishes to do repairs
- tenant's attorney is negotiating to have tenant move to another unit

2) 2137 Greenwich

- not being evicted, tenant is disputing rent increase

3) 1801 Franklin

- letter from landlord that dispute has been settled
- left message on tenant's answering machine, but call has not been returned

4) 1730 Balboa

- tenant believes dispute has been settled

5) 1967 Oak

- tenants have not completed petition

6) 140 Graystone Terrace #4

- tenant not being evicted; rent increase dispute only

7) 2700 Folsom #202

- rent dispute only

8) 768 Eugenia

- tenant has moved

9) 5555 Mission Street #3

- tenants have moved







MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday, November 25, 1980, at 5:00 p.m. at the State Building  
350 McAllister, #1195

I. Call to Order

The meeting was called to order by President Cole-Chu at 5:15 p.m..

II. Roll Call

Commissioners Present: Cole-Chu, Presiding; Baird, Flynn; Alternate: Payne  
Commissioners Not Present: Saunders; Alternates: Bell, Horsley, Neves, V  
Staff Present: Donna Solomon, John Blackburn

III. Consideration of Appeals

1245 California Street: The Reviewing Officer was Dwayne Kunath; the Original  
Hearing Officers were Ruth Astle and Ed Corvi. The Tenant's attorney requested  
that the Board put the entire matter over for one week because the tenant's  
were never notified of this meeting to consider their appeal.

Joe Lacey, from Old St. Mary's Housing Clinic also representing the tenants  
requested that everyone be present for this consideration.

DOCUMENTS DEPT.

MSC: That the Board move on with this agenda item and hear  
the consideration report (Payne/Flynn:4-0).

The Reviewing Officer commented on the lack of a record of the actual  
hearing. The tapes were not recorded on. The Reviewing Officer recommended  
accepting the appeal de novo.

There was some discussion on what constituted a record and what the Ordinance  
provides for vis a vis maintaining a record of proceedings for purposes of  
appeal.

Commissioner Baird expressed his concern over the issue of decreased housing  
services.

MS: That the Board accept the appeal and remand it to Ed Corvi  
with instructions to secure a recording of the proceedings  
(Baird/Flynn:2-2 with Cole-Chu and Payne dissenting).

MS: That the Board accept the appeal de novo (Payne/Cole-Chu:2-2  
with Baird, and Flynn dissenting).

MSC: That the appeal be considered at the next regular meeting  
(Baird/Cole-Chu:4-0).

IV. Approval of the Minutes of October 28 and November 3, 1980

MSC: That the minutes be approved as amended (Baird/Flynn:4-0).



V. Old Business

Dr. Le Gates from the Urban Center at San Francisco State University, submitted a refined proposal on the proposed impact study on the San Francisco Rent Ordinance.

There was lengthy discussion on the Impact Study done in Los Angeles, the costs of that study, and what the ramifications of it were. There was also discussion on the applicability of the findings to San Francisco without the need to do a similar study here.

VI. Communications

- 1) A letter was received from the Real Estate Department regarding filing with the Real Estate Department while a petition is in the process at the Rent Board.
- 2) A carbon copy of a letter from David Peckman to Quentin Kopp was received regarding owner-occupied exemption.

VII. Director's Report

The Executive Director was instructed by the Board to read decisions to see if real estate taxes were a significant part of rental increases. The Executive Director reported that in the 75 cases she reviewed, there were no significant trends seen in the sample of arbitration cases.

MSC: That the Board send a letter to Nancy Lenvin declining her suggested amendments on Real Estate Taxes at this time (Payne/Flynn:4-0).

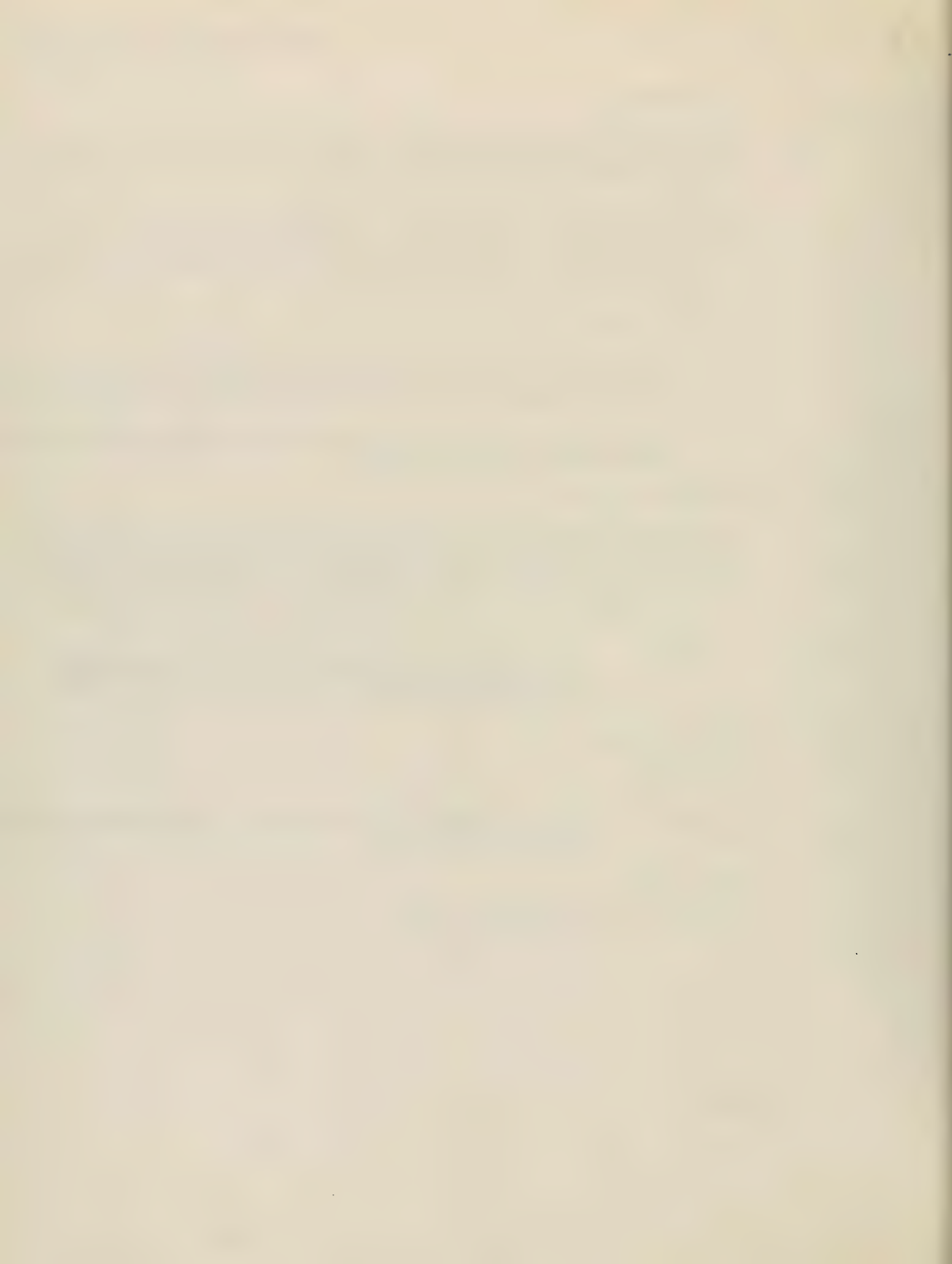
VIII. Appeal Hearing

947 Geary:

MSC: That the Hearing Officer's decision be upheld (Flynn/Payne:3-1 with Baird dissenting).

IX. Adjournment

The meeting was adjourned at 8:20 p.m..





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, December 2, 1980, at 5:00 p.m. at the State Building, 350 McAllister, #1195

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### I. Call to Order

The meeting was called to order by President Cole-Chu at 5:15 p.m..

### II. Roll Call

Commissioners Present: Cole-Chu, Presiding; Flynn; Alternates: Horsley, Neves, Payne, Vurek

Commissioners Not Present: Saunders, Baird; Alternate: Bell

Staff Present: John Blackburn, Susan Francis

### III. Consideration of Appeals

- 1) 405-33rd Avenue: The Reviewing Officer was Skip Hewlett; the Original Hearing Officer was D. J. Soviero. The landlord appealed this case involving this 18 unit building, on the PG&E pass-through. The Hearing Officer had allowed a 7% increase in rent and smoke detection amortization (which was incorrect-amortization should have been for 10 years). The landlord contended that the PG&E expenses should be considered separately from other operating and maintenance expenses.

The Reviewing Officer recommended that the appeal be accepted on the PG&E pass-through computation, the smoke detector amortization, and the lack of documentation on operating and maintenance expenses.

MSC: That the Board remand this case for a new hearing (Flynn/Horsley:5-0).

- 2) 1245 California Street: The Original Hearing Officers were Ruth Astle and Ed Corvi; the Reviewing Officer was Dwayne Kunath. This consideration of an appeal was held over from the last regular meeting of the Board.

There was discussion on the lack of a record of the proceedings of the hearings and the reduction in housing services.

M: That the Board deny the appeal(F/).

MSF: That the Board accept the appeal and hear it de novo (P/H:2-3 with Flynn, Horsley, and Neves dissenting).

Ed Corvi, the second Hearing Officer, was asked to respond to some questions from the Board regarding the record, both written and oral.

Commissioners Payne and Horsley expressed concern about the lack of a recording of the two hearings.

The Attorney for the tenants spoke to the issues of fairness to





all parties concerned and the hardship many of the tenants have experienced as a result of the two distinct decisions.

MSC: That the Board remand this case for a new hearing with a new Hearing Officer (Flynn/Neves:4-1 with Payne dissenting).

Joe Lacey, a spokesman for Old St. Mary's Housing Forum, spoke to the Board on the Forum's suggested procedural changes to the Board.

#### IV. Consideration of Allegations of Wrongful Evictions: HEARINGS

- 1) 1414-21st Avenue: Mr. James Kao interpreted for the owners. Mary Jenkins represented the tenant. James Rubin was the Attorney for the owners.

On July 21, 1980, the tenant received a call from the landlord's son regarding the rent. The landlord wanted to sell the house and wanted the tenant to move. The question of rent was raised by the landlord's son to the tenant, but the amount was not acceptable to the landlord. On July 26, 1980, the tenant received an eviction notice; the landlord wanted his children to move in. The tenant sent a letter to other tenants in the landlord's other buildings and found that two other people had received the same letters to vacate.

MSC: Take no action (Flynn/Horsley:5-0).

The Board make no findings as to whether there is or in not a wrongful eviction. The Board recommended that the tenant seek civil action in court if the landlord's children do not move in.

- 2) 2360 Pacific #604: Mr. Paul G. Dobbins and Daniel Buchalter represented the owners. Louise and Richard Riggs, the tenants, appeared personally. The issue in this case is whether a 2 year lease entered into prior to the enactment of the Rent Stabilization Ordinance is bound to the terms of the Ordinance. The landlord seeks to evict the tenants based on the fact that the tenancy has been terminated when the lease ran out. A letter from Mr. Buchalter was entered into the permanent file (dated November 19, 1980).

There was discussion on the jurisdiction of the Rent Board to even hear this case and the issue of leases entered into before the Ordinance took effect.

The landlord contended that there was economic harm being caused him. There was no just cause listed in §37.9 (a) which could be used to evict the tenants.

MSC: That this Board resolve that Ordinance #276-79, enacted by Emergency Legislation through the San Francisco Board of Supervisors on June 14, 1979, applies to tenants in this case with regards to notice and just cause for eviction (Flynn/Neves:5-0).

#### V. Approval of the Minutes of November 12, and November 18

This matter was held over until the next regular meeting.



## VI. Director's Report

- 1) The brochure is in the re-writing stage.
- 2) The Supplemental Appropriation request to the Board of Supervisors for improvements to Rooms 16 and 17 at 170 Fell Street will be reported on at the next regular meeting.
- 3) The Administrative Assistant position for the Board is currently being processed. A report will be made at the next regular meeting.
- 4) There was discussion on the practice of changing information on petitions filed with the office. A memorandum is to be sent to staff informing them that no changes are to be made to petitions over the phone. The client should be advised to request the client to come to the office to make the corrections or to submit an entirely new petition.
- 5) Rick Vitrano, Ty Mitchell, John Blackburn, Joan Kubota, Elaine Lee, and Susan Girtler comprise a committee to plan and put on the 1st Annual Rent Board Hearing Officer Thanksgiving-Christmas Thank You Party to be held on Wednesday night, December 17, 1980, from 6:00 to 10:00 p.m.. Further details will be available at the next regular meeting.

## VII. Consideration of Allegations of Wrongful Evictions: HEARINGS

- 3) 650 Masonic: Postpone as per staff recommendation.
- 4) 2005 California Street: The tenant appeared, the landlord did not.

MSC: That the Rent Board include this case with previous cases heard on November 12, 1980 and November 24, 1980 and entertain legal action with the City Attorney (N/P:5-0).

- 5) 3110 Octavia #6: The tenant, Alexis Margaret Kock, appeared with her attorney Robert Niemann. The tenant moved in in September of 1977. In August, 1980, there was a Rent Board hearing before Hearing Officer Barton Pokras. A 7% rent increase was allowed.

The tenant is moving next week from this apartment and seeks damages due to alleged wrongful eviction. She and her attorney were informed by the Board of the options available to her.

### Eviction Procedures

There was discussion on the procedures for handling evictions. Discussions with the City Attorney led to the conclusion that the Board should only hear cases after unlawful detainer actions have been complete.

There was discussion on the screening of petitions on wrongful evictions. President Cole-Chu suggested that the Board only hear petitions where there are multiple evictions(pre-unlawful detainer).



There was discussion on what guidelines and/or criteria should be utilized for accepting and screening petitions for wrongful evictions.

There was discussion on prioritizing petitions, pre-and post-unlawful detainer:

- |    |                                     |                        |
|----|-------------------------------------|------------------------|
| 1) | RRSAB petitioners                   | pre-unlawful detainer  |
| 2) | multiple evictions by same landlord | pre-unlawful detainer  |
| 3) | §37.9(a) (8) (11) (12)              | post-unlawful detainer |

1), 2), 3) post-unlawful detainer.

A suggested amendment would provide in §37.9 (11) that the rent remain the same as before the work was done to the unit until the landlord petitioned the Rent Board or the Real Estate Department for certification.

#### Process for Handling Evictions

- 1) A report on an allegation of wrongful eviction is filed with the Rent Board. The Rent Board staff would send out pertinent information related to evictions to all parties concerned.
- 2) If the report comes from either 1) or 2) above, the Board may entertain consideration of legal action.

#### Public Hearing on Eviction Process

There will be a public hearing on the Eviction Section of the Rules and Regulations of the Rent Board on Tuesday, December 16, 1980, at 7:00 p.m..

#### Reports of Active Petitions Filed

- 1) 2042-43rd Avenue:

MSC: That the Board schedule a hearing for this matter(Payne/Neves:5-0)

- 2) 2448 Clay Street:

MSF: That the Board refer the tenant to the District Attorney for criminal action and/or private suit for civil damages(Flynn/Neves:2-3 with Neves, Flynn, and Payne dissenting).

MSC: That the Board schedule a hearing for this matter(Payne/Cole-Chu:3-2 with Flynn and Horsley dissenting).

#### Forms for Evictions

A packet of all forms currently used will be put in each Commissioner's packet for review and comments for revision.

#### VIII. New Business

- A) Election of Officers: There will be elections for the office of Vice-President on Tuesday, December 16, 1980.



IX. Adjournment

The meeting was adjourned at 10:00 p.m..

X. EXECUTIVE SESSION

There was an Executive Session to consider personnel matters.







CONSIDERATION OF ALLEGATIONS OF WRONGFUL EVICTIONS-MEETING OF December 2, 1980

B) Affirmative Action by the landlord under §37.9(a)(8)(10)(11)(12)

1) 2820 Folsom

- owner wishes to occupy
- affidavit has not been returned

2) 2105 Broadway #313

- affidavit has not been returned
- "to move relative into the building"
- unlawful detainer has been filed

3) 2390 Lombard #1

- affidavit has not been returned
- family member to occupy

ew petition

4) 462-5th Avenue

- owner to occupy

5) 615-42nd Avenue

- daughter to occupy

6) 1600 Larkin #104

- owner's daughter to occupy
- apartment vacant next door

7) 535 Steiner

- substantial rehabilitation

8) 3190-25th Street (NOTE: same landlord as #7 above)

- substantial rehabilitation

C) Notices to vacate based on alleged action by the tenant(§37.9(a)(1)-(7)

1) 2059 Market Street

- notice given under §37.9(a)(3) and (4)
- the problem here is with the tenant's son who landlord believes has broken into other apartments

2) 855 Burnett #10

- rent arbitration hearing on 8/22/80
- substantial interference with other tenants
- unapproved subtenants



- 3) 2-15th Avenue
  - petition on hold pending determination by PG&E
- 4) 555 Calyton #7
  - unapproved subtenant; tenant says he only had a guest
  - landlord to return call re:situation at present
- 5) 831 Brazil #4
  - neglect and misuse of plumbing
- 6) 431-44th Avenue #303
  - substantial damage to apartment
  - warranty of habitability
- 7) 173 Julian
  - excess occupancy
- 8) 300-28th Avenue
  - violation of covenants
  - tenant sent letter to landlord, has not received answer
- 9) 1450 La Playa #1
  - tenant has habitually paid rent late and has received warnings
- 10) 331 Octavia #10
  - tenant refuses to pay rent because he believes manager of apartment broke in and stole money
- 11) 325 Sutter #519
  - notice states tenant is creating a nuisance
- 12) 721 Geary
  - violations of covenants
  - alternative rent increase
  - letter from landlord that rescinds increase, hopes that situation can be worked out
- 13) 2130 Jackson #303
  - notice does not state just cause
- 14) 1255 Grove #104
  - habitually pays rent late
  - tenant has only paid late twice, but has called twice



new petition

15) 1740-A Mission

-substantial interference with other tenants (loud parties)

16) 416 Serrano Drive

-nuisance

-violation of covenants

17) 1820 Bush

-late payment of rent

18) 282-18th Avenue

-unapproved subtenant

-9/4/80: notice to vacate on 9/30/80

-10: accepted rent

-11/25-5 day notice to vacate

D) Notice to vacate is insufficient1) 1901 Turk #3

-notice sent

-no reason stated in the notice

2) 490 Geary #611

-notice sent

-no reason stated in the notice

3) 2400 Pacific #602

-notice sent

-no reason stated in the notice

new petition

4) 1618-27th Avenue

-selling house

5) 2139 Pacific #5

-no reason stated in the notice

6) 225 Hyde #600

-no reason stated in the notice

7) 1106 South Van Ness #2

-no reason stated in the notice, but attached is a police report

8) 742-46th Avenue

-no reason stated in the notice





9) 30 Tapia

-notice is not included with petition

10) 18 Lucky Street

-no reason stated in the notice

11) 3101 California #7

-notice is not included with petition

E) Landlord already has obtained possession

1) 2042-43rd Avenue

-vacated house on August 31, 1980 because landlord had stated his sister planned to move in

-October 10, 1980 - family unrelated to landlord moved into the house

-landlord states family having problems with papers; friend moved in

2) 2448 Caly Street

-tenant moved out July 1, 1980

-landlord stated that his relatives were to move in

-entire building was evicted and has remained vacant

F) Petitions No Longer Active

1) 2410 Chestnut #6

-manager to occupy

-owner has been noticed this is not a just cause

2) 742 Castro #C

-\$37.9(a)(10)

-notified landlord that permits are required

3) 1520 California #14

-tenant to negotiate with landlord and will notify us of results

4) 1366 Sanchez

-owner has moved into downstairs unit and now intends to raise rents

5) 398 West Portal #305

-tenant has filed petition for arbitration

6) 3461 Mission #6

-\$37.0(a)(11)

-landlord plans on doing cosmetic work, tenant can move back in

-petition to be put on hold





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, December 9, 1980, at 5:00 p.m. at the State Building, 350 McAllister St., #1195

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I. Call to Order

The meeting was called to order by President Cole-Chu at 5:17 p.m..

II. Roll Call

Commissioners Present: Cole-Chu, Presiding; Flynn, Saunders; Alternates: Horsley, Payne

Commissioners Not Present: Baird; Alternates: Bell, Neves, Vurek

Staff Present: Ricardo Hernandez, John Blackburn, Susan Francis

III. Consideration of Appeals

- A) 284 Golden Gate #22: The Reviewing Officer was Joan Kubota; the Original Hearing Officer was Skip Hewlett. The tenant appealed on the decreased housing services issue. Tenant also testified that the problems had existed since he moved in, and there had been no change.

The Reviewing Officer recommended accepting the appeal.

MSC: That the Board Deny the appeal (Saunders/Horsley:3-0)

- B) 2233 Larkin Street #2: The Reviewing Officer was Joan Kubota; the Original Hearing Officer was Herb Schwartz. The landlord appealed because she was unable to attend the hearing, as she was in Asia. An arbitration hearing was held, without the landlord's presence. An eviction notice had been communicated to the tenants. The Original Hearing Officer reduced the rent by \$25.00 per month for children present.

There were no policy questions presented. There was discussion on the lack of a rent increase.

The tenant claimed that the rent increases were a result of the child; discrimination.

The Reviewing Officer recommended denying the appeal.

M: That the Board accept and remand this appeal to the same Hearing Officer without a new hearing for correction of the decision to state that the September 1 rent increase is of no effect. Rent is \$325.00, through November (Saunders/).

The motion was withdrawn.

MSC: That the Board accept the appeal and remand it to a new Hearing Officer (Flynn/Saunders:4-0).

- C) 710-21st Avenue: The Reviewing Officer was Joan Kubota; the Original Hearing Officer was Dwayne Kinath. The landlord appealed on operating and maintenance expenses and PG&E, which he "did not get a chance to present at the hearing."

DOCUMENTS DEPT.

MAY 1 1981

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The Documentation that was necessary for computations of operating and maintenance expenses were not made available at the hearing or received after the hearing.

The Reviewing Officer recommended denying the appeal.

There was discussion on reduction in housing services(no heat) in 1979 and 1980, and why the tenant didn't raise the issue before.

MSC: That the Board deny the appeal(Saunders/Flynn:4-0).

- D) 680 Sutter Street #204: The Reviewing Officer was Susan Girtler; the Original Hearing Officer was Dwayne Kunath.

The tenant appealed on the utility pass-through issue. This appeal was filed after the landlord had filed a similar appeal. That appeal was denied.

MSC: That the Board deny the appeal(Flynn/Saunders:4-0).

#### IV. Consideration of Allegations of Wrongful Evictions

##### A) Hearing:

- 1) 2448 Clay Street: The landlord is out of town. This matter should be continued until December 16, 1980.

MSC: That the Chair on this case shall be Commissioner Baird at the meeting of December 16, 1980(Saunders/Horsley:4-0).

Commissioners Cole-Chu and Flynn are excused from voting on this matter.

#### V. Approval of the Minutes of December 2, 1980

MSC: That the minutes of December 2, 1980 be approved as amended(Saunders/Flynn:4-0).

MSC: That the minutes of November 12, 18, 25, 1980 be approved as amended(Saunders/Flynn:4-0).

#### VI. Communications

- 1) A letter was received regarding 2127 Fillmore Street and substantial rehabilitation that has occurred. The writer would like the Board to certify that the building is exempt.

The President suggested the Executive Director write a letter suggesting that the landlords submit a landlord petition or seek legal counsel on the exemption.

The Board did not have sufficient data on which to make such a decision.

- 2) A letter from Arlan Wong was received requesting reconsideration of an appeal denial of 2240 Larkin Street.

MSC: That the Board deny the appeal reconsideration and a letter be sent to that effect(Flynn/Horsley:4-0)





VII. Consideration of Allegations of Wrongful Evictions

- 2) 2042-43rd Avenue: The landlord, Mr. and Mrs. Aquino and the tenant, Wesley Dere were present. The tenant received a notice to vacate on 7/38/80, for vacation within 60-days. The landlord wanted to have their family occupy the unit. The relatives were held up in the Philippines and could not get here. On October 5th, the landlord rented the house to strangers at \$100.00 more per month, with a one year lease.

The tenant moved into temporary housing then found alternative living arrangements. The tenant gave a forwarding address to the landlord but had not heard from the landlord.

Commissioner Payne suggested that the parties could work out a solution whereby the landlord might wish to negotiate with the tenant for some compensation, under the circumstances.

The Board postponed the decision pending resolution by the parties with regards to compensation to the tenant. The tenant will notify the Staff regarding the results of the negotiations.

- 3) The Board may wish to consider items A) 1), 2), and 3) on the Eviction Report of December 9, 1980.

- 1) 742 Castro #C: The landlord is expanding one unit into another. The landlord had talked about selling the building in several months.

MSC: That the Board schedule a hearing for December 23, 1980 (Flynn/Horsley:4-0).

- 2) 1450 La Playa #1: The tenant has been late in rent payments. The tenant filed a petition for a rent increase. The tenant always pays a finance charge on his rent each month he pays late.

MSC: That the Board take no action (Flynn/Saunders:4-0).

- 3) 855 Burnett Street #10: There was a misunderstanding between the parties at an arbitration hearing over the base rent of \$335 vs. \$355 per month. Both parties stipulated that the rent should be \$379.00 per month, including the 13% increase.

MSC: That the Board put this matter over for one week (Flynn/Saunders:4-0).

MSC: That 535 Steiner, 3190-25th Street, and 2895 Folsom #A be put over for one week pending staff investigations (Saunders/Horsley:4-0).

VIII. New Business

- 1) There was discussion on the proposed amendments to the Rules and Regulations scheduled for a public hearing on December 16, 1980.

There was some changes made in the language of the preliminary draft.





MSC: That the Board adopt as amended, the working draft of the changes in the Rules and Regulations regarding evictions for the Public Hearing on December 16, 1980 at 7:00 p.m., to strike the last line of 11.15, and add to 11.16 that the landlord shall inform the tenant in writing of when the unit is ready to reoccupy (Flynn/Horsley:4-0).

IX. Approval of Appeal Decisions

- 1) 947 Geary B-140-36
- 2) 947 Geary B140-31
- 3) 2134 Green A140-19
- 4) 2735 McAllister B140-30

MSC: That the appeal decisions be approved as amended (Saunders/Flynn: 4-0).

X. Adjournment

The meeting was adjourned at 9:00 p.m..

XI. EXECUTIVE SESSION

The Board met to discuss personnel matters.





## CONSIDERATION OF ALLEGATIONS OF WRONGFUL EVICTIONS-MEETING OF December 9, 1980

A) Possible Retaliation against a tenant for the tenant's assertion or exercise of rights [under the Ordinance]1) 742 Castro Street #C

A hearing for arbitration was held on 8/21/80. Landlord had purchased the building on 6/1/80. On 6/30/80, the landlord attempted to increase the rent on 8/1/80 from \$280 to \$375 per month. The landlord agreed to a 7% increase prior to the hearing but would not allow the tenant to have a lease. The landlord served the tenant a 30-day notice to vacate on 11/10/80. The notice used §37.9 (a) (10) as the reason; he states that he plans to combine the tenant's unit with the adjoining unit. A permit for \$100 has been obtained; the landlord states he is going to put in a door and disconnect the stove and sink.

2) 1450 LaPlaya #1

Tenant filed a petition for arbitration on 7/15/80 when the landlord attempted to raise the rent from \$310 to \$345. The landlord settled at a 7% increase. Tenant has been warned about late payments of rent but has been paying a finance charge.

3) 855 Burnett #10

Tenant (and others) had a rent arbitration hearing on 8/22/80. Tenant signed stipulation agreement to pay \$379 as rent. Steven Brown, the property manager wrote a letter to the Board, dated 8/23/80, stating that the rent should be \$401.51. No further action was taken on this matter and the tenant has continued to pay \$379. Landlord is now seeking to evict the tenant based on §37.9 (a) (2) (3) (4) of the Ordinance

B) Affirmative Action by the landlord under §37.9(a)(8)(10)(11)(12)1) 2820 Folsom

-owner wishes to occupy  
-affidavit has not been returned

2) 2105 Broadway #313

-affidavit has not been returned  
-"to move relative into the building"  
-unlawful detainer has been filed

3) 462-5th Avenue

-3 separate tenants, house possibly for sale  
-owner to occupy  
-affidavit has not been returned

4) 615-42nd Avenue

-daughter to occupy  
-affidavit not returned



5) 1600 Larkin #104

- tenant states landlord offered to let him stay for \$500/mon. rent
- owner's daughter to occupy
- apartment vacant next door
- affidavit has not been returned

6) 535 Steiner

- substantial rehabilitation
- no permits have been obtained

7) 3190-25th Street (Note: Same landlord as #6 above)

- substantial rehabilitation
- no permits have been obtained

8) 2895 Folsom #A

- substantial rehabilitation

9) 1303 Rhode Island

- rehabilitation
- no permits have been obtained

C) Notices to vacate based on alleged action by the tenant(\$37.9(a)(1)-(7)1) 2059 Market Street

- notice given under \$37.9 (a) (3) (4)
- the problem here is with the tenant's son who landlord believes has broken into other apartments
- tenant has been referred

2) 2-15th Avenue

- petition on hold pending determination by PG&E

3) 555 Clayton #7

- unapproved subtenant; tenant says he only had a guest
- landlord to return call re: situation at present

4) 831 Brazil #4

- neglect and misuse of plumbing
- tenant has been referred

5) 431-44th Avenue

- substantial damage to apartment
- warranty of habitability
- tenant has retained an attorney

6) 173 Julian

- excess occupancy





- 7) 300-28th Avenue
    - violation of covenants
    - tenant sent letter to landlord, has not received answer
  - 8) 325 Sutter Street #519
    - notice states tenant is creating a nuisance
  - 9) 1255 Grove Street #104
    - habitually pays rent late
    - tenant has only paid late twice, but has called twice
  - 10) 1740-A Mission Street
    - substantial interference with other tenants (loud parties)
    - tenant has been referred to Legal Aid
  - 11) 416 Serrano Drive
    - nuisance
    - violation of covenants
    - Parkmerced
  - 12) 1820 Bush Street
    - late payment of rent
  - 13) 282-18th Avenue
    - unapproved subtenant
    - 9/4/80; notice to vacate on 9/30/80
    - 10: accepted rent
    - 11/25; 5-day notice to vacate
  - 14) 30 Tapia
    - violation of covenants
    - Parkmerced
  - 15) 1309-6th Avenue
    - storing dangerous chemicals
- D) Notice to vacate is insufficient
- 1) 1901 Turk Street
    - notice sent by staff
    - no reason stated in the notice
  - 2) 490 Geary #611
    - notice sent by staff
    - no reason stated in the notice



3) 2400 Pacific #602

-notice sent by staff  
-no reason stated in the notice

4) 1618-27th Avenue

-notice sent by staff  
-selling house

5) 2139 Pacific #5

-notice sent by staff  
-no reason stated in the notice

6) 225 Hyde Street #600

-notice sent by staff  
-no reason stated in the notice

7) 1106 South Van Ness #2

-no reason stated in the notice, but attached is a police report  
-tenant's attorney contacted to determine if police report was  
attached to notice

8) 742-46th Avenue

-notice sent by staff  
-no reason stated in the notice

9) 18 Lucky Street

-no reason stated in the notice

10) 3101 California Street #7

-notice is not included with petition

11) 901 Bush Street #2

-no reason stated in the notice  
-notice sent by staff

E) Petitions no longer active1) 2390 Lombard

-affidavit returned  
-sister to occupy

2) 331 Octavia #10

-tenant refuses to pay the rent because he believes the manager of  
of the apartment has broken in and stolen money

3) 721 Geary

-letter received from landlord that situation can be worked out



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday, December 16, 1980, at 5:00 p.m. at the State Building  
350 Mc Allister Street, Room #1195

\*\*\*\*\*

I. Call to Order

The meeting was called to order by President Cole-Chu at 5:00 p.m. for  
Executive Session to discuss personnel matters. DOCUMENTS DEPT.

EXECUTIVE SESSION: 5:00 - 6:10 p.m.. MAY 1981

II. Roll Call

Commissioners Present: Cole-Chu, Presiding; Baird, Flynn; Alternates: Bell,  
Horsley, Neves, Payne, Vurek

Commissioners Not Present: Saunders

Staff Present: Ricardo Hernandez, John Blackburn, Susan Francis

III. Consideration of Appeals

- A) 280 O'Farrell #23: The Original Hearing Officer was Laura Swartz  
and the Reviewing Officer was Susan Girtler. Issue: Improper notice for  
hearing.

MSC: That the case be remanded for a new hearing de novo (P/F:5-0).

- B) 12 Hill Street #2,3,B,C: The Original Hearing Officer was Pat Lee  
and the Reviewing Officer was Susan Girtler. Issue: Lack of notice of  
hearing.

MSC: That the case be remanded for a new hearing de novo (P/F:5-0).

IV. Approval of the Minutes of December 19, 1980

MSC: That the minutes of December 19, 1980 be approved as amended  
(F/P:5-0).

V. Communications

- 1) There is an article in the Commissioners packet that is from the National Hispanic Housing Council on the Rent Control Board in Santa Barbara.
- 2) There is a letter from Landmark Realty regarding Susan Francis and eviction matters.
- 3) There was a letter from Rosano Construction Company regarding Susan Francis and eviction matters.
- 4) There was a letter from Scott Weaver of Peoples Law School regarding the O.C.D. funds arrangements. The Peoples Law School and the Rent Board staff members will meet to finalize plans for landlord/tenant counselling.
- 5) There was a letter from Jim Johnson, Office of Community Development, specifying that by December 30, 1980, the O.C.D. proposal must be completed and into the O.C.D. Office.
- 6) An \$8m lawsuit has been filed against the City and County of San Francisco, The San Francisco Board of Supervisors, The Mayor, and The Rent Board, by Travis Campbell, a landlord who had filed another





suit challenging the validity of a Rent Board decision.

#### VI. Director's Report

- 1) The O.C.D. Proposal - The original concept of the O.C.D. proposal was to provide legal counselling to landlords and tenants. The City Attorney has said that we can't provide "legal" counsel. The Executive Director recommended that two counsellors be hired with the primary duties of accepting calls from landlords and tenants on non-rent increase issues, such as deposits, habitability, etc. The Peoples Law School will do eviction counselling only.

66.6% of the clients served must be from low and moderate income areas.

There was some discussion on the services to be provided vis a vis duplication of services by both agencies; O.C.D. forbids duplication of services.

- 2) The members of the Rent Board have a Conflict of Interest issue. The forms must be filed immediately. The Executive Director, under F.P.P.C. regulations may have to levy a fine against any Commissioners who have failed to file their forms.
- 3) The Executive Director(Interim) will review and prepare the statistics for the Statistical Update of the Rent Board's activities. These will be evaluated for the incoming Director.
- 4) There are six appeals to be considered for the meeting of December 22, 1980. There are three eviction matters to be considered also.
- 5) 2446 Clay Street eviction hearing has been postponed until January. The tenant will be out of town until then.
- 6) 1245 California Street-The landlord and tenants asked for a rescheduling and further requested that a court reporter be present at the next hearing.
- 7) The Rent Board Christmas Party will be December 17, 1980, at 6:00 p.m. at Eunices, on North Fifth Street.

#### VII. Approval of Appeals

This item is continued until the next regular meeting.

#### VIII. Reports of Allegations of Wrongful Evictions

##### A) Hearing

- 1) 2448 Clay Street - Postponed.

##### B) Staff Report

There will be a complete report at the next regular meeting.

#### IX. Old Business

- 1) 2042-43rd Avenue Eviction matter was heard at the regular





meeting of December 9, 1980. The tenant and landlord were not able to negotiate a settlement. The tenant contacted the Rent Board today.

Commissioner Baird asked to be excused from voting on this matter due to his earlier absence at the eviction hearing. Commissioner Horsley voted as a member of the Board.

MSC: That the Board take no action(H/F:4-1 with Payne dissenting).

Commissioner Baird returns as the voting member.

- 2) Commissioner Baird commented on the RRSAB Impact Study Proposal by the Urban Center at San Francisco State University. The approximate cost would be \$50,000.00.

There was discussion on the Los Angeles study of the Rent Control Ordinance in that city, and, that some of the findings could be inferred to the San Francisco situation.

Commissioner Baird offered to prepare a letter to Professor Le Gates.

#### X. New Business

##### Election of Vice President of the San Francisco Residential Rent Stabilization and Arbitration Board:

Commissioner Baird nominated Commissioner Flynn. Being a landlord, he would be a good balance for the President, who is a tenant representative. President Cole-Chu seconded Commissioner Baird's nomination.

There was discussion on the vacancy of neutral Commissioner and the need to fill it. Commissioner Neves suggested the Board wait until that position was filled.

The nomination was made, seconded, and approved by a four to 0 vote.

#### XI. Calendar Items

- 1) The \$11,546.00 for capital improvements for the offices at 170 Fell Street have been calendared for the Board of Supervisors on December 15, 1980. It has been assigned to the Finance Committee and will not be heard until January 7, 1981 or January 14, 1981. The construction could start sometime in February.

#### XII. PUBLIC HEARING-AMENDMENTS TO THE RULES AND REGULATIONS-PART 11-EVICTIONS

Commissioner Baird offered suggested amendments to the proposed amendments.

There was discussion on the Board's involvement in administrative affairs and not to policy development to deal with the severe city-wide housing problems.

In dealing with eviction matters, the Board, it was suggested, would not decide to hold hearings or schedule one. The Executive Director would make recommendations from the Hearing Officer's report.



PUBLIC SPEAKERS

J. Scott Weaver from Peoples Law School: Commented on the Hearing Officer reviewing the eviction cases first. He offered a letter of comments on changes (see attached letter).

There was discussion on monetary relief and injunctive relief. The Board would stress injunctive relief, it was suggested. Peoples Law School may wish, in the future, to pursue monetary relief.

Steve Shapiro from the San Francisco Tenants Union: Offered observations on the eviction process. He expressed his concern over confusion as to what "power" the Rent Board actually has.

The Rent Board has the responsibility to inform the parties of the process and what they can expect from the process.

There was further discussion of the process: eviction materials are mailed to all parties concerned, after the filing of a report of wrongful eviction. The materials sent explain their rights and obligations under both local and state law.

The public hearing ended at 8:25 p.m..

XIII. Remarks from the Public

- 1) Linda Pew-moved from New York City to San Francisco. Is having a tenant/landlord problem.

IV. Vote of Proposed Amendments to the Rules and Regulations

MSC: That the amended changes to the Rules and Regulations be adopted (F/B:5-0).

V. Adjournment

The meeting was adjourned at 9:30 p.m..

1/15/81:jsb





# Peoples Law School

558 Capp St., San Francisco, CA. 94110 • (415) 285-5069

December 16, 1980

## COMMENTS ON CHANGES IN RULES AND REGULATIONS IN REGARDS TO WRONGFUL EVICTIONS:

As a community group that works on a daily basis with the problem of evictions, Peoples Law School is pleased to see that the Rent Arbitration Board is taking the initiative in establishing rules and regulations that will discourage wrongful evictions. We do believe that, in fighting against wrongful evictions, the Board should recommend and the Board of Supervisors must pass stricter provisions in the current rent law. Since that is not the topic of tonight's discussion, I will not dwell on those changes, but will address myself to the changes we think should be made in the rules and regulations which are before us tonight.

### Section 11.11 (under "criteria for Board review"):

- 2) Add to the end "or under the laws of the state of California".
- 4) Eliminate the phrase "after a tenant has been required to vacate a rental unit" because "bad faith" and "fraud" may become apparent before the tenant vacates. Also, when is a tenant "required" to vacate? When s/he gets notice? the summons and complaint? or the sheriff's notice?
- 6) Add "A factual situation exists that would lead a reasonable person to believe that a landlord is attempting to evict or has evicted a person in a way that is contrary to the ordinancy, fraudulent, or in bad faith.
- 7) Add "A situation exists that would lead a reasonable person to believe that the landlord is attempting to evict, or has evicted because of the tenant's race, religion, age, marital status, sexual preference, or because the tenant has a child.

The addition of the above criteria will not limit the Board in prosecuting wrongful evictions. Since the board has the discretion in determining whether or not to pursue a potentially wrongful eviction. Further, these additions should not unduly burden the Board in carrying out its work.

Add to the middle of the next paragraph, after "The tenant shall be informed of such decision immediately and in writing by a form approved by the Board.": "Such notice should state the grounds for the decision and that the tenant has the right to fight the eviction in court, to seek injunctive relief, and to sue." Since many tenants





are unfamiliar with their rights, the addition of these phrases . will serve to inform them that there are other avenues which they can pursue.

Section 11.12 last paragraph:

There should be wording to the effect that tenants be notified of the hearing and the information relied on in deciding to consider the matter.

Section 11.13 first paragraph:

There should be a provision allowing both tenant and landlord to have an attorney or other appropriate representative appear for them at the hearing on wrongful eviction.

Section 11.13 third and fourth paragraphs:

Add "Unless new information is discovered which would lead a reasonable person to believe a wrongful eviction has taken place or will take place."

Section 11.13 second paragraph:

It is stated here that the discussion of litigation will be in executive session. There should be a phrase added to it allowing the complainant tenant to attend and participate in such discussion. After all, a lawyer/client relationship has effectively been set up and it would be the client's right to participate in these discussions.

Section 11.14 paragraph one:

The types of legal action (ie. injunctive relief, money damages etc.) should be specified for the benefit of anyone who reads these regulations and so that the board is clearer about what type of legal action it is considering.

Section 11.14 paragraph two:

Regarding the deposit 2/3 of monies collected shall go to the Rent Arbitration and Stabilization Fund and the remaining 1/3, after deducting costs and attorney's fees, shall go to the complainant tenant. This is totally unconscionable, inequitable, and hopefully illegal.

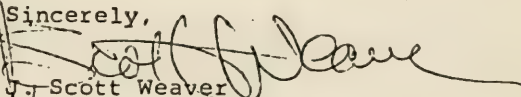
Even a private attorney, in cases where money is collected, will take only 30% to 40%, after costs are deducted, so why use the Rent Arbitration Board? Such a provision would serve to discourage tenants from using the Rent Arbitration Board in cases where they could sue for money.



Finally, a provision should be added to Section 11.14 specifying that the complainant/tenant may substitute attorneys at any time and that, upon such substitution, the files in that case should be made available to the complainant/tenant.

I hope that you find these recommendations constructive, and if you have further questions or comments, feel free to contact me.

Sincerely,



J. Scott Weaver

for Peoples Law School





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday, December 30, 1980, at 5:00 p.m. at the State Building  
350 McAllister Street, #1195

I. Call to Order

The meeting was called to order by President Cole-Chu at 5:00 p.m..

II. Roll Call

Commissioners Present: Cole-Chu, Presiding; Alternates: Bell, Horsley,  
Payne, Vurek

Commissioners Not Present: Baird, Saunders; Alternates: Neves  
Staff Present: Ricardo Hernandez, Susan Francis, John Blackburn

III. EXECUTIVE SESSION 5:00 to 5:30 p.m.

There was discussion on personnel matters.

IV. Consideration of Appeals

- A) 250 Fell Street: The Original Hearing Officer was Ralph Coffman  
and the Reviewing Officer was Ruth Astle. This 46-unit building  
was refinanced to pay off a loan. There were two issues;

- 1) increased operating and maintenance expenses
- 2) increase in rents for comparables

The landlord did not bear the burden of proof. The Hearing Officer  
treated increases for PG&E as an operating expense.

The Reviewing Officer recommended denying the appeal.

MSC: That the appeal be denied(P/H:4-0).

- B) 120 Pierce Street: The Original Hearing Officer was Susan Girtler  
and the Reviewing Officer was Ruth Astle. The landlord wanted to  
use a different 6-month period for computation of PG&E increases.

The Reviewing Officer recommended denying the appeal.

Commissioner Payne knew one of the parties in this action.

MSC: That Commissioner Payne be excused from voting on  
this particular matter(V/H:4-0).

MSC: That the appeal be denied(H/B:3-0)

- C) 400 Duboce: The Original Hearing Officer was Peter Quittman and  
the Reviewing Officer was Joan Kubota. The tenants appealed  
the Hearing Officer's decision on decreased housing services due  
to the lack of elevator service from December 1979 to June 1980.



The Reviewing Officer recommended accepting the appeal, and, commented on the lack of a tape of the proceedings.

MSC: That the appeal be accepted and remanded back to the same Hearing Officer with a memorandum regarding the intent of §37.2(j)(P/H:4-0)

There was some discussion on the Hearing Officers and staff knowing that decreased services does not mean an intent to raise rents. Whether or not the landlord meant reduction of services or not.

- 4) 774-21st Avenue: The Original Hearing Officer was Tom Low and the Reviewing Officer was Joan Kubota. The tenant appealed based on decreased housing services. The landlord withdrew the use of the garage and storage from the tenant's use.

The Reviewing Officer recommended denying the appeal.

MSC: That the Board deny the appeal(P/H:4-0).

#### V) Approval of Appeals:

- 1) 95 Red Rock Way M-107:

MSC: That the decision on Appeal be approved(P/H:4-0).

#### VI. Communications

- 1) There was a letter received from Hearing Officer Paul Mayfield. He has written to formally resign as a Hearing Officer for the Board due to time constraints.

#### VII. Director's Report

- 1) The O.C.D. Proposal for \$32,000.00 was submitted to O.C.D. on December 30, 1980, for approval.

There was some discussion on the non-rent increase information assistance that will be provided.

MSC: That the Board ratify the O.C.D. (Office of Community Development) proposal as submitted(P/B:4-0).

#### VIII. Consideration of Appeals

- 5) 808 Leavenworth: The Original Hearing Officer was Boots Whitmer and the Reviewing Officer was Skip Hewlett. The landlord's correct address is Post Office Box 18284, (18). The landlord appealed because of lack of proper notice.

The Reviewing Officer recommended accepting the appeal for a new hearing.

MSC: That the case be accepted de novo and remanded to a new Hearing Officer(B/H:4-0).

- 6) 5533 Mission Street: The Original Hearing Officer was Bob Curran and the Reviewing Officer was Skip Hewlett.





The landlord appealed . There had been two separate hearings scheduled for two separate dates, for units in the same building.

The Reviewing Officer recommended that the appeal be denied.

MSC: That the Board deny the appeal(H/B:3-1 with Payne dissenting).

- 7) 643 Oak Street: The Original Hearing Officer was Elaine Lee and the Reviewing Officer was Skip Hewlett.

The Hearing Officer found that the landlord had failed to justify \$57.00 per month increase based on increased operating and maintenance expenses and utilities, and denied the increase, but did amortize the smoke detection system, and ordered the landlord to return the tenant's \$600.00 security deposit.

The Hearing Officer erred in computing utility expenses and operating and maintenance expenses.

The Reviewing Officer recommended accepting the appeal and remanding it for a de novo hearing.

The Executive Director recommended tabling the matter until the eviction matter had been resolved(retaliatory eviction).

M: Defer decision for one week for the Executive Director to investigate deposit and eviction matters(Baird/)

MSC: That the Board accept the appeal and remand it to a new Hearing Officer for hearing on the petition and on the eviction also (Ba/Be:4-0).

- 8) 257 Hickory: The Original Hearing Officer was Susan Girtler and the Reviewing Officer was Skip Hewlett.

The landlord appealed due to the late arrival of the hearing notice.

MSC: That the Board accept the appeal and remand it to a new Hearing Officer(Ba/Be:4-0).

- 9) 96 Crestline Drive: The Original Hearing Officer was Bob Curran and the Reviewing Officer was Susan Girtler.

The landlord appealed on the Hearing Officers' denial of a rent increase for operating and maintenance expenses and comparables.

The operating and maintenance expenses had increased only 3.97%, well below the CPI.

Comparable worksheets were not included in the file. Worksheets did not include length of tenancy.

MSC: That the Board deny the appeal(Ba/Be:4-0).

MSC: That the Staff recommend to the Board, as quickly as possible, forms to help inform the tenants and landlords about the process and what is required (B/V:4-0).



- 10) 876 Haight Street: The Original Hearing Officer was Bob Curran and the Reviewing Officer was Susan Girtler.

Commissioner Baird disqualified himself from voting on this matter and Commissioner Horsley sat in as the voting member.

The tenant appealed because the Hearing Officer found the unit to be exempt from the Ordinance. The Hearing Officer found that the tenant was occupying the unit as a hold-over tenant, and therefore, exempt.

The tenant had rented unit for one month, and stayed on paying rent which landlord accepted, since June, 1980.

The Reviewing Officer recommended accepting the appeal and remanding it for another hearing.

MSC: That the Board accept and remand this case for a new hearing with a new Hearing Officer(H/V:3-1 with Payne dissenting).

- 11) 271 Castro Street #4: The Original Hearing Officer was Boots Whitmer and the Reviewing Officer was Susan Girtler.

The tenants appealed the decision on the rent increase for increased operating and maintenance expenses. The Hearing Officer granted a larger increase than the landlord had requested. Not all of the operating and maintenance expenses were included in the aggregation computation.

There was further discussion on operating and maintenance expenses and what is to be considered. Aggregate v. individual computation. The Board's policy is to aggregate all operating and maintenance expenses.

The Reviewing Officer recommended denying the appeal.

MSC: That the Board accept de novo the appeal and remand it for a new hearing for aggregation of all operating and maintenance expenses(Ba/V:4-0).

- 12) 49 Seward: The Original Hearing Officer was Laura Swartz and the Reviewing Officer was Susan Girtler.

Both the landlord and tenant filed petitions. Landlord presented some comparables, last year's expenses, and some bills for capital improvements.

The Hearing Officer granted 7% and amortized the capital improvements.

The Reviewing Officer recommended remanding the appeal.

The landlord appealed because she was not told what to present as evidence.

MSC: That the Board deny the appeal(V/Be:3-1 with Payne dissenting).



IX. Communications

- 1) A letter was received from Peoples Law School regarding meeting with Rent Board staff members to discuss the O.C.D. proposal.
- 2) There was a letter received from O.C.D. regarding a request for information to accompany request for funds.
- 3) The Commissioners will be sworn in on Tuesday, January 6, 1981, at 11:30 a.m. in the Mayor's Office.

X. Director's Report

- 1) One staff member, Ty Mitchell, is on vacation, and another staff member, Wayne Williams, has resigned.
- 2) Candidates are being interviewed for the Clerk-Typist position.
- 3) A request has been forwarded to C.E.T.A. for an additional Clerk-Typist for O.C.D. project work and eviction project work.
- 4) Three C.E.T.A. employees got a change in position status. Their classification has been changed from 9910 to 9986.

XI. Reports of Allegations of Wrongful EvictionsB) Report from Staff

A packet of new forms was distributed to all Commissioners. Any Commissioner with comments/suggestions, should submit them to the Executive Director.

XII. Adjournment

The meeting was adjourned at 8:30 p.m..

1/15/81:jsb













